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liable on a contract purporting to be for a future corporation, on the ground that there was no existing principal and that when the corporation later came into being it could not logically ratify a contract which it could not itself have made. *Kelner v. Baxter*, L. R. 2 C. P. 174. This was followed in Massachusetts. *Abbott v. Hapgood*, 150 Mass. 248, 22 N. E. 906. Later cases in England spell out a liability on the part of the corporation, but require a showing of an express new contract of identical terms. See H. S. Richards, "The Liability of Corporations on Contracts Made by Promoters", 19 *Harv. L. Rev.* 97, 102. American courts, where there are acts by the corporation appropriating the benefits of the contract, make it liable by what is termed an "adoption" of the contract. *Munson v. Syracuse R. Co.*, 103 N. Y. 58, 8 N. E. 355; *McArthur v. Times Printing Co.*, 48 Minn. 319, 51 N. W. 216. The true basis for the holding is not, it is submitted, an anomalous "adoption" of the contract, but an implied in fact novation. The principal case is, in outcome, in accord with this American rule. But the opinion goes farther and says, by way of *dictum*, that once the corporation has become liable the third party has then generally the "double security" of the corporation and of the promoters. The only authority cited is a previous *dictum* of the same court. *Strause v. Richmond Woodworking Co.*, 109 Va. 724, 65 S. E. 659. *Cf. Fentress v. Steele*, 110 Va. 578, 583, 66 S. E. 870, 872. The meaning intended by the language used is not clear. It can hardly be meant that there can ever be a double recovery on such contracts. If it be meant that the promoters and the corporation may be held jointly liable or that one or the other may be held at the option of the third party it is submitted that this is inconsistent with the only theory upon which the corporation can be held, i. e., upon an implied in fact novation. —S. C. M.

**Constitutional Law—Personal Rights—Council of Defence Acts: Basis of Constitutionality.**—A West Virginia statute (Acts 1917, c. 12 § 2) provided that every able bodied male resident of the state between the ages of sixteen and sixty years, except *bona fide* students during school term, who should fail or refuse to engage regularly and steadily for at least thirty-six hours a week in some lawful and recognized business, profession, occupation or employment, should be held to be a vagrant and be guilty of a misdemeanor, regardless of the financial ability of such per-
son to maintain himself without such work, and regardless of his ability to obtain such employment. The petitioner was arrested for violating this statute. He now brings habeas corpus proceedings on the ground that the statute is unconstitutional. Held, petition granted. Ex parte Hudgins, 103 S. E. 327 (W. Va. 1920).

For a discussion of this case, see Notes, p. 171.

**DEAD BODIES—NATURE OF RIGHTS IN DEAD BODIES.**—This was an action of trespass on the case for wantonly and willfully disintering the remains of the plaintiff's mother and son, exposing the same to public gaze and removing them to another burial place without the plaintiff's permission. The plaintiff alleges he suffered mental anguish and great humiliation as a result of the defendant's acts. Held, judgment for the plaintiff. England et al. v. Central Pocahontas Coal Co., 104 S. E. 46 (W. Va. 1920).

Originally at common law no property rights were recognized in a dead body. Regina v. Sharpe, 7 Cox C. C. See 3 Coke's Institute, 203; 2 Blackstone, Commentaries, 429. On burial it became a part of the soil and the owner of the land would have a right of action for trespass. The modern cases universally allow recovery to certain persons for disinterment or mutilation of a dead body. There are, however, many divergent theories as to the basis of recovery. One is that it is founded on the next of kin's right to possession. Larson v. Chase, 47 Minn. 307. Another is the law recognizes property in a human corpse, but property subject to a trust and limited in its rights. Pettigrew v. Pettigrew, 207 Pa. St. 313. The principal case and others rest recovery on the ground that there is a quasi-property right in the next of kin. It is not alone with reference to property that legal rights exist. Koerber v. Patek, 102 N. W. 40. There is, as the law develops, a tendency to protect more and more the intangible rights of privacy and personality both individual and group. See Pound, "Equitable Relief Against Defamation and Injuries to Personality", 29 Harv. L. Rev. 640. The greatest obstacle to allowing recovery for injury to such interests is that there is no external voucher for the reality of the injury. Spade v. Lynn & Boston R. Co., 166 Mass. 285, 47 N. E. 88; Homans v. Boston Co., 180 Mass. 456, 62 N. E. 737. It is submitted that the true ground in the principal case for giving recovery is that the mutilation or removing from its resting place of a dead body, without permission