have occurred, and those, on the other hand, where the courts have refused to recognise a purported or alleged assent; but it is desirable to remind the reader, first, that an assent need not be evidenced by writing, nor need it be express; and, secondly, that it is not a condition precedent for the validity of an assent that possession of the property must pass on the assent being given.

It is said in Touchstone that certain words of congratulation used by an executor to the legatee will have the effect of an assent: Shep. Touch. 456. Candidly, we doubt this, although Dodderidge, probably the real author of that ancient work, was a very learned judge. But there are numerous authorities which shew assent may not only be verbal, but implied from conduct. "The principle established," said Chief Justice Gibbs, delivering a considered judgment in *Doe* v. *Sturges* (1816), 7 Taunt, 217, at p. 223, "is that if an executor in his manner of administering the property does any act which shews that he has assented to the legacy, that shall be taken as evidence of his assent to the legacy; but if his acts are referable to his character as executor, they are not evidence of an assent to the legacy."

Secondly, assent is not necessarily accompanied by a change of possession. It was held that there had been an assent where the executor had informed the legatee that the legacy lay ready for him when he would call for it (*Camden* v. *Turner*, cited by Mr. Justice Buller in *Hawkes* v. *Saunders* (1872), 1 Cowp. 289, at p. 293); and where the executor had in the case of a legacy of leaseholds paid the ground rent and charged the same in account against the legatee: *Doe* v. *Mabberley*, 6 Car. & P. 126. In the recent case an assent was implied although the executor still retained exclusive possession of the piece of plate in question.

The point which was especially dwelt upon by Lord Haldane in his judgment in *Attenborough* v. *Solomon*, 107 L.T. Rep. 733; (1913) A.C. 76, is the rule of law that on the executor's assent the property vests in law in the legatee. This point is not, as we have already said, a new one. As regards chattels personal—*i.e.*, chattels in the common acceptance of the term