

RECENT ENGLISH DECISIONS.

of the learned judge on the common form of expression that the Statute of Limitations bars the remedy but not the right. "This," he says, "although not an uncommon, is, in my judgment, an incorrect way of stating the effect of the Statute of Limitations. There is in law no right without a remedy; and, if all remedies for enforcing a right are gone, the right has, in point of law, ceased to exist. In the case of a debt the ordinary and universal remedy is by action against the debtor. There may, however, and sometimes does, exist another remedy, not by action against the debtor, but arising out of the possession of property of the debtor, which, by law or contract, may be detained by the creditor until the debt is paid. This latter remedy may exist although the remedy by action is barred; and, in that case, the debt continues to exist so far as is necessary for the enforcement of this right of lien, but not for enforcing the remedy by action. When the debt is barred by the statute, and the creditor has no lien, the debt is gone for all purposes."

EVIDENCE—ADMISSION OF DECEASED PERSON AGAINST HIS INTEREST.

The next case we find deserving of notice is that of *ex parte Edwards* (14 Q. B. D. 415), a decision of the Court of Appeal upon an application for leave to appeal to the House of Lords from the decision of the Court of Appeal in *ex parte Revell*, 13 Q. B. D. 720 D. One of the points upon which it was desired to appeal, was upon the question whether an admission by a bankrupt in his statement of affairs, that a debt is due from him, could, after his death, be used as evidence against his assignee to establish the debt. Leave to appeal was refused; and upon this point Brett, M. R., said: "It is said that the bankrupt's statement was an admission against his interest, made by a man who has since died. This is an attempt to enlarge the rules as to the admissibility in

evidence of admissions against interest. The rule is, that an admission which is against the interest of the person who makes it, at the time when he makes it, is admissible; not that an admission, which may, or may not, turn out at some subsequent time to have been against his interest, is admissible. This statement does not, therefore, fall within the recognized rule."

WIFE'S SEPARATE PROPERTY—HUSBAND TRUSTEE FOR WIFE.

The next case, *ex parte Sibeth* (14 Q. B. D. 417), is a bankruptcy decision, but upon a point of general interest, inasmuch as it establishes that the rule that a husband is trustee for his wife of her separate property, when no other trustee has been appointed, applies to that which becomes her separate property by virtue of a marriage contract entered into in a foreign country.

The case which follows, viz.: *ex parte Whitehead* (14 Q. B. D. 419), is a decision of the Court of Appeal upon the same subject. In that case it was verbally agreed by husband and wife upon their marriage that a sum of money standing to the wife's credit at a bank in her maiden name should be her separate property. Nothing further was done, but after the marriage, the money, with the husband's consent, remained at the bank in the wife's maiden name, and she received the interest on it for two years after the marriage when she drew the money out of the bank. The husband became bankrupt and his trustee claimed the fund as part of the bankrupt estate, on the ground that there had been no part performance of the agreement to settle to take the case out of the Statute of Frauds, and Cave, J. held him entitled to it; but the Court of Appeal, without deciding the question on the Statute of Frauds, came to a different conclusion, on the ground that there had been a gift of the money by the husband