

RECENT ENGLISH DECISIONS.

that doctrine has been justified. . . But none of the authorities go so far as to say that, when the cause of action is in substance an injury to the *person*, the personal representative can maintain an action merely because the person so injured incurred in his lifetime some expenditure of money in consequence of the personal injury. . . There is no decision which supports the proposition that, because in consequence of an injury to his son the person injured is put to expense, the case is brought within the category of cases to which 4 Edw. III. c. 7 applies."

The last case in this number of the Queen's Bench Division still remains to be briefly noted.

SALE OF RIGHT OF ENTRY—32 HEN. 8, c. 9, s. 2—R.S.O. c. 98 s. 5.

The name of the case is *Jenkins v. Jones*, p. 128, and the Court of Appeal had to decide in it, whether a *bona fide* right of entry to to-land could be validly sold by one who had never been in possession. On the one side it was argued, such a sale was illegal by reason of 32 Hen. VIII. c. 9, s. 2; on the other side it was argued that rights of entry could be thus sold since Imp. 8-9 V., c. 106, s. 6, (R.S.O. c. 98, s. 5). Section 2 of the Act of Hen. VIII. enacts that no person shall buy or sell any pretended rights or titles, or take, grant or covenant to have any right or title of any person in or to any lands, except such person who shall so sell, grant, covenant or promise the same, their ancestors, or those by whom they claim have been in possession of the same, or of the reversion or remainder thereof, or taken the profits for one year before the said bargain, covenant, etc., on pain of forfeiture of the lands in question. Cotton, L. J., in delivering the judgment of the Court, discusses the meaning of this Statute of Henry VIII. by the light of the authorities, and shows that it was only in affirmance of the common law, and arrives at this conclusion: "All dealings with right of entry, except by release to the person in possession, were previously to 8-9 Vict. c. 106,

dealings with 'pretenced' rights and titles within the meaning of the Act of Henry VIII. But the Act of the Queen has enabled rights of entry to be conveyed, and since that Act a right or title, good in fact—that is, not fictitious—is not a 'pretenced' title within the Statute, simply because it is a right of entry. . . Although in our opinion it is incorrect to say that 8-9 Vict. c. 106 has repealed 32 Hen. VIII. s. 2, it has this effect, that the deed of July, 1877 (by which the right of entry was conveyed), cannot be considered as dealing with a 'pretenced' right or title within the meaning of that Act."

The remaining July numbers of the Law Reports, at present unreviewed, comprise 7 P. D. p. 101-117; and 20 Ch. D. p. 229-441.

WILL—ACKNOWLEDGMENT OF SIGNATURE.

The first of these comprises a single case, viz., *Blake v. Blake*. In this case it appeared from the evidence of the two witnesses to a certain will, that they neither of them could see the signature of the testatrix, a piece of blotting-paper being placed over the last sheet of the will, terminating below where the testatrix signature was afterwards found to be. The Court of Appeal held unanimously, though with much regret, (affirming the President), that this was no will. The opinions of the Judges turn on the point that the witnesses did not see the signature of the testatrix. Jessel, M. R., says:—"I think it is clear that this will was not signed in the presence of either witnesses. . . The question then arises whether the testatrix acknowledged her signature before the witnesses. What is in law a sufficient acknowledgment under the statute? What I take to be the law is correctly laid down in Jarman on Wills, fourth edition, p. 108, in the following terms:—"There is no sufficient acknowledgment unless the witnesses either saw or might have seen the signature, not even though the testator should expressly declare that the paper to be attested by them is his will;" and I may add, in my opinion, it is not sufficient even if