REVIEW OF CURRENT ENGLISH CASES.

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BANKRUPTCY—SECURED CREDITOR—JUDGMENT CREDITOR—EQUITABLE EXECUTION—RECEIVER.

Re Pearce (1919) 1 K.B. 354. Although this is a bankruptcy case it is deserving of attention inasmuch as Horridge, J., has therein decided that a judgment creditor who by way of equitable execution has obtained the appointment of a receiver, does not thereby become "a secured creditor," where the application of the moneys to be received depends on a further order to be obtained, and which is not in fact obtained, before an act of bankruptcy supervenes. In this case the order appointing the receiver provided that the moneys to be received should be applied in carrying on the business of the debtor and to "retain the balance of said profits to be applied in discharge of the debts and costs due to the plaintiffs as and when may be hereafter ordered," and by a subsequent order it was directed "that the receiver be at liberty to accumulate the balance of the said profits to form a fund out of which the judgment creditors may be paid their debts and costs." Some of the moneys received had been paid into Court. It was held that as neither of these orders actually ordered the payment or application of the moneys to the plaintiffs they had no lien or charge on them, and were, therefore, not "secured creditors" as against the trustee in bankruptcy who became, on his appointment, entitled to the surplus in Court and in the hands of the receiver.

TORT—ANIMALS FERÆ NATURÆ—RATS—BUSINESS ATTRACTING RATS TO PREMISES—INJURY DONE BY RATS ON ADJOINING PREMISES—CAUSE OF ACTION.

Stearn v. *Prentice* (1919) 1 K.B. 394, was an action of a novel kind. The plaintiff alleged that the defendants carried on a bone manure factory which had the effect of attracting a large quantity of rats, and that the rats from there invaded the plaintiff's premises and ate his corn causing substantial loss to the plaintiff; *Rylands* v. *Fletcher* (1868), L.R. 3 H.L. 330, and kindred cases were relied on in support of the plaintiff's case but on appeal from a County Court a Divisional Court (Bray and Avory, JJ.) held that they did not apply, and there being no evidence that the bones kept by the defendants were excessive or unusual in quantity, they could not be held responsible for the rat nuisance. The fact that the plaintiffs were at liberty to destroy any rats on their premises was held to differentiate the case from cases where the collection of a crowd of people to the annoyance of one's neighbours was held to be an actionable nuisance.