

execution creditor or debtor to consent to the sheriff's continuance in possession, and that his doing so was a continuing act of bankruptcy; but the Court of Appeal held that there was but one act of bankruptcy, and that the sheriff continuing in possession for twenty-one days, and that, consequently, there was no act of bankruptcy within three months preceding the declaration of bankruptcy. Although the case turns largely on the English Bankruptcy Act, it may perhaps be of some use in determining the rights of execution creditors under the Ontario Act relating to assignments by insolvents, (R.S.O., c. 147, s. 11.).

SALE OF GOODS--BILL OF LADING--SALE BY PERSON HAVING BILL OF LADING--PASSING PROPERTY--POSSESSION OF GOODS--SALE OF GOODS ACT, 1893 (52 & 53 VICT., c. 45), s. 2, s-s. 2 (R.S.O., c. 150, s. 5).

In *Cahn v. Pocketts B.C.S.P. Co.* (1899) 1 Q.B. 643, the Court of Appeal (Smith, Collins and Romer, L.JJ.) have reversed the decision of Mathew, J. (1898) 2 Q.B. 61 (noted ante, vol. 34, p. 649). It may be remembered that one Steinman had consigned the goods in question to one Pintscher, to whom Steinman sent the bill of lading, accompanied by a bill of exchange for the price. Pintscher refused to accept the bill of exchange, but kept the bill of lading, and in fraud of Steinman sold the goods to the plaintiffs, and indorsed the bill of lading to them, and they paid him the price. Steinman thereupon stopped the goods in transitu, and the present action was brought to recover the goods from the bailees by virtue of the title conferred on the plaintiffs as bona fide indorsees of the bill of lading. Mathew, J., came to the conclusion that Pintscher was not an agent of Steinman, entrusted with the bill of lading and competent to confer a title. The Court of Appeal have come to the conclusion that, as the plaintiffs had taken the bill of lading in good faith without notice of the rights of Steinman, from a person who held possession of it with the consent of Steinman, they had acquired a good title, because under the Factors' Act, 1889, s. 2, Pintscher was competent to transfer the bill of lading so as to give a good title to a bona fide transferee, as if he, Pintscher, were the duly authorized agent of Steinman, and under the Sale of Goods Act, 1893 (56 & 57 Vict., c. 71), s. 25, s-s. 1, the plaintiffs had a good title, and Steinman was not as against them entitled to stop the goods in transitu.