

assets transferred to the company, on the ground that the transfer was fraudulent and void against the bankrupt's creditors under 13 Eliz., c. 5, or under the Bankruptcy Act. Wright, J., who originally heard the case, although of opinion that the transaction with the company was a voidable contract, yet thought that after the commencement of the liquidation proceedings it was too late to rescind the contract. The Court of Appeal (Lindley, M. R., and Rigby and Williams, L.JJ.) were of a different opinion, and held that, although there might be difficulty in declaring the transaction fraudulent and void under 13 Eliz., c. 5, as it would be necessary to show that the sale was of the whole, or substantially of the whole, of Hirth's estate, and that the company had notice that he was cheating his creditors, nevertheless held that it was fraudulent and void under the Bankruptcy Act, as, under that Act, it was not necessary, in order to avoid the transaction, that the transferee should have any knowledge of the fraud, nor that it should be a transfer of the whole, or of substantially the whole, of the debtor's property; and that, as the title of the trustee in bankruptcy related back to the date of the fraudulent transaction, the winding-up proceedings did not prevent the transaction being set aside. Williams, L.J., thought the case was also within the statute of Elizabeth. The liquidator was allowed his costs of realizing the assets, but he was refused his costs of the application.

**SHERIFF'S FEES** — POSSESSION MONEY — CONTINUANCE OF POSSESSION BY SHERIFF FOR FIFTEEN MONTHS BY CONSENT.

*In re Beetson* (1899) 1 Q.B. 626, raised the question as to the right of a sheriff to possession money under the following circumstances: The sheriff had gone into possession of a debtor's goods under execution, and at the request of the debtor, and by consent of the creditor, he continued in possession for fifteen months, and at the end of that time the debtor was declared bankrupt on his own petition. On taxation of the sheriff's fees on the execution, he was allowed possession for fifteen months. It was contended that the sheriff's remaining in possession so long was unreasonable, but the Court of Appeal affirmed the order of Wright, J., dismissing an appeal from the taxing officer. The Bankruptcy Act provides that the continuance of a sheriff in possession for twenty-one days under an execution is an act of bankruptcy, and it was contended that after twenty-one days it was no longer competent for the