

IN THE HIGH COURT OF AUSTRALIA

GALE

V.

JAQUES

REASONS FOR JUDGMENT

Judgment delivered at Sydney

on Tuesday, 4th May, 1954.

GALE

v.

JAQUES

JUDGMENT (ORAL)

McTIERNAN J.
KITTO J.
TAYLOR J.

GALE

V.

JAQUES

JUDGMENT (ORAL)

McTIERNAN J.
KITTO J.
TAYLOR J.

The Court is of the opinion that this appeal should be dismissed.

The Sequestration Order was made on the 18th February 1952, the impeached transaction occurred on the 11th February 1952 and the act of bankruptcy was failure to comply with the bankruptcy notice on or before the 11th January 1952.

The first issue in the case was whether, at the time the impeached transaction was entered into, the bankrupt was the owner of this motor car. The second issue was whether the appellant here entered into a real transaction under which he acquired the ownership of the vehicle and, if that was established in his favour, the next question would be whether the conditions precedent to the confirmation of his title under Section 96 of the Act have been satisfied.

It is unnecessary to sum up here the evidence which was given. That was very fully done by his Honour Mr. Justice Clyne and it is correct, as his Honour said, that the questions which his Honour had to determine were questions of fact.

We are all of opinion that the conclusions which his Honour arrived at are fully justified by the evidence which his Honour heard and that there is really no

substance whatever in this appeal and that it should be dismissed with costs.
