

was to prevent his creditor from getting at the property. It is said that the Defendant never had the property and therefore could not have made a fraudulent assignment of it. He had, however, rights under the contract with the auctioneer and he gave those rights to his son. Registration was merely a procedure required by the law to perfect that gift. The gift is fraudulent under the Fraudulent Transfers Avoidance Law, 1886, and must be set aside, and the registration as the carrying out of the gift must be set aside. There can be little doubt that the right under the contract is "property" within Sec. 2 (2) of the law. It is property which has a value and can be sold and it does not matter whether, to give effect to the sale, there has to be one or two registrations. It is also property which can be transferred or assigned gratis.

The appeal must be allowed and the application to have the registration in the name of the son set aside and the property registered in the name of the Defendant must be granted.

PUISNE JUDGE: On the hearing of the application before the District Court neither of the Respondents appeared or were represented, and there is no real dispute as to the facts. The question is whether in the light of these facts, the registration of the property in the name of the son constituted a gift of the property within the meaning of the Fraudulent Transfers Avoidance Law, 1886. The intention of that enactment was undoubtedly to prevent fraud, or rather to prevent creditors being injured by the fraud of debtors, and it must be construed to give effect to that intention, so far as possible. The facts shew a series of acts on the part of the Defendant by which he, at his own expense, procured the registration of the property in the name of his son.

In my opinion there was a "gift" of the property within the meaning of the section referred to.

Appeal allowed with costs.

TYSER, C.J.
&
FISHER, J.
ALFREDOS
E. CHRISTO-
DOULIDES
v.
MUSTAFA
MEHMED
PASHA

The case in the matter of a Petition by Yanni Nicola and another, and in the matter of the Malicious Injury to Property Laws, 1894 and 1909 reported in pages 83-84 of the original edition, is no longer of any importance.