

SHERIFF — EXECUTION — FIERI FACIAS — SEIZURE — MONEY
BROUGHT INTO HOUSE AFTER SHERIFF IN POSSESSION.

In *Johnson v. Pickering* (1907) 2 K.B. 437 it became necessary to determine whether or not certain money of an execution debtor was to be deemed to have been taken in execution. Under a fieri facias the sheriff had seized all the goods in the debtor's house, and while the sheriff was in possession the debtor, unknown to the sheriff, brought into the house and deposited in a drawer in his bedroom £395 in bank notes. Subsequently the debtor died, and an order was made for administration of his estate. The sheriff being unaware of the existence of the bank notes had done no overt act of seizing the same. In these circumstances Lawrance, J., held that the sheriff must be deemed to have taken the money in execution, as his overt act at the date of the seizure shewed an intention to seize all the goods, and coupled with his remaining in possession, was enough to constitute a seizing and taking of goods subsequently brought on the premises whilst he was in possession.

WILL—CONSTRUCTION—GIFT TO CHILDREN AS A CLASS—SUBSTITUTIONAL GIFT TO ISSUE—"SHALL PREDECEASE ME"—ISSUE
OF CHILD DEAD AT DATE OF WILL.

Gorringe v. Mahlstedt (1907) A.C. 225 is a case known in the Courts below as *In re Gorringe*. *Gorringe v. Gorringe*, and was for the construction of a will whereby the testator gave legacies to the children of one of his sons whom he described as "my deceased son;" and he gave the residue to his children who should be living at his death, "provided that in case any one or more of my children shall predecease me having any child or children living at my death, then such child or children of my deceased child shall take the share which the parent would have taken if such parent were living at my decease." The simple question for decision was whether or not the children of the son, who was dead at the date of the will, were entitled to share in the residue. Joyce, J., held that they were not, (1906) 1 Ch. 319 (noted ante, vol. 42, p. 338). The Court of Appeal reversed his decision, Romer, L.J., dissenting (1906) 2 Ch. 341 (noted ante, vol. 42, p. 712). The House of Lords, (Lords Halsbury, Macnaghten, James, and Atkinson), have reversed the Court of Appeal and restored the judgment of Joyce, J.