which one would hardly have thought it would be found necessary to carry to a Court of Appeal. The defendant, a sheriff, having seized goods in execution interpleaded, and an interpleader order was made, the interpleader proceedings being transferred to a County Court, and the claimants were permitted to pay a sum of money to the sheriff for the release of the goods "to abide the order of the County Court." The money was paid to the sheriff, but before the trial of the issue in the County Court the execution creditor abandoned his claim, and the claimants obtained judgment in the County Court, but did not obtain any order for payment of the money in the sheriff's hands. The claimants demanded the money from the sheriff, and on his refusal to pay they commenced the present action to recover it from him. The action was tried by Charles, J., who gave judgment for the plaintiffs, but it is almost needless to say that the Court of Appeal (Lord Esher, M.R., and Bowen and Kay, L.JJ.) reversed his decision, holding that the sheriff was entitled to retain the money until an order had been made by the County Court in respect of it.

[None of the cases in the Probate Division call for notice here.]

ESTATE TAIL—BARRING ENTAIL—ESTATES "IN DEFEASANCE OF" ESTATE TAIL—3 & 4 W. 4, c. 74, s. 15—(R.S.O., c. 103, s. 3).

In *Milbank* v. *Vane*, (1893) 3 Ch. 79, a question arose as to the effect of a disentailing deed. The lands in question were devised in trust for A. for life, with remainder to his first and other sons successively in tail male, with similar remainders over to B. and C., younger brothers of A., and their respective first and other sons successively in tail male; and the will contained a proviso that in a certain event the trusts in favour of B. and his issue male "should thenceforth be postponed to and take effect in remainder next immediately after" the trusts in favour of C. and his issue male. B. and his eldest son with the consent of A., the tenant for life, executed a disentailing deed. Subsequently, and during A.'s life, the event happened referred to in the above proviso, and upon A.'s death C.'s eldest son, unless barred by B.'s deed, would be the tenant in tail in possession. The question therefore turned on whether the proviso for postponing the estate tail of B. to that of C. constituted C.'s estate a prior estate to that of B., or whether it was merely an estate to