

the case may be, and an express direction to postpone payment until then, vests immediately, and the legatee upon attaining twenty-one is entitled to payment. The subject was dealt with by Lord Hatherley (when Vice-Chancellor Wood) in some observations that fell from his Lordship in the course of his judgment in the case of *Gosling v. Gosling* (Johns. 265). "The principle of this Court," said his Lordship, "has always been to recognize the right of all persons who attain the age of twenty-one to enter upon the absolute use and enjoyment of the property given to them by a will, notwithstanding any directions by the testator to the effect that they are not to enjoy it until a later age, unless, during the interval, the property is given for the benefit of another. If the property is once theirs, it is useless for the testator to impose any fetter upon their enjoyment of it in full so soon as they attain twenty-one. And upon that principle, unless there is in the will, or in some codicil to it, a clear indication of an intention on the part of the testator, not only that his devisees are not to have the enjoyment of the property he has devised to them until they attain twenty-five, but that some other person is to have that enjoyment—or unless the property is so clearly taken away from the devisees up to the time of their attaining twenty-five as to induce the Court to hold that, as to the previous rents and profits, there has been an intestacy—the Court does not hesitate to strike out of the will any direction that the devisees shall not enjoy it until they attain the age of twenty-five years." That doctrine was quite recently applied by Mr. Justice Joyce in a case of *Re Conturier, Conturier v. Shea* (noted 122 L.T. Jour. 464; (1907) 1 Ch. 470). There a testatrix desired and directed to set apart the sum of £200 for her grandson W., the sum of £150 for her grandson V., and the sum of £150 for her grandson D., the said sums to be free of duty, and to be paid respectively as to £50, part thereof, on their attaining the age of twenty-one years, and as to £50, part thereof, on their attaining the age of twenty-five years, and the testatrix directed that the balance £100 for her grandson W. be paid to him on his attaining the age of thirty years, and the balances of £50 for V. and D.