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## REPUGNANT CONDITIONS AND KINDRED TOPICS.

### THE ENGLISH AUTHORITIES.

It often happens, especially when a grant is made, that it is desired to impose some obligation on the tenant or to restrict his user of the property in some respect. The law gives the person interested power to do so; but it is obvious that unless this power were restricted, it might easily be abused and used to promote illegal purposes or to bind up the estate indefinitely. Hence it is that the law prohibits limitations which tend to create perpetuities, to promote illegal acts, such as are repugnant to the estate which is granted, etc. The object of this sketch is to collect judicial dicta concerning and to illustrate that part of the law, which determines what conditions are and what are not repugnant to a freehold interest.

When a restriction is imposed it may be enforced by attaching the condition to the property concerned itself, *e.g.*, a grant of Whiteacre to A. and his heirs on condition that he does not encumber it; or else some benefit of penalty may be fixed dependent on the way the property is used, *e.g.*, a grant of Blackacre to A. and his heirs on condition that he does not encumber Whiteacre.\*

Each of these methods fall into three classes. The fulfilment of the condition may be made a condition precedent, which must be satisfied before the benefit arises; or the breach of the condition may give rise to an actual defeasance; or, in the third place, the breach of the condition may mark the end of the benefit granted by the use of a conditional limitation. Take, for example, the following limitations: A gift of Blackacre to A. and his heirs on his selling Whiteacre; a gift of Blackacre to A. and

\*The question of the validity of these limitations will be discussed later.