

RECENT ENGLISH DECISIONS—LAW SOCIETY.

nature of an estate in fee. The case is an interesting one, amongst other reasons, because the restraint did not on its face appear to be an absolute restraint on alienation at all, being merely that if the testator's son was minded to sell during the life of the testator's widow, the estate must first be offered to the latter at the price of £3,000 for the whole or a proportionate sum for a part. The estate was proved to be worth £15,000. Pearson, J., held this to amount to an absolute restraint against sale during the life of the widow. He says: "To compel him (the son) if he does sell, to sell at one-fifth of the value, and to throw away four-fifths of the value of the estate is, to my mind, equivalent to a restraint upon selling at all." He thus reduces the question to whether it is or is not the law that to a devise in fee simple you may annex a condition that during a limited period the devisee shall not sell at all? He then proceeds in a long and exhaustive judgment to trace the law as to restraints on alienation from the time of Coke, and as to the exceptions which have been made to the general law, *e.g.*, in the case of restraint from aliening to a particular person, which is plainly just as repugnant to the gift as any other condition would be. The question of policy, has he says, p. 814, been allowed to intervene, omitting altogether all considerations of repugnancy. Coming to the case immediately before him, he says, p. 821: "It is a very curious thing that although Littleton's book is more than 400 years old, and although Lord Coke died 250 years ago, there is not a single judicial decision to be found in the books showing that a limitation as to time added to such a condition (restraining alienation) makes it a valid condition." He then adds that if he could find that this had been "an accepted *dictum* of law, and that it was likely to have affected divers contracts and dealings between man and man, and

that by not following it I should be disturbing anything which had been done in former times over and over again on the faith of the *dictum*, I should feel myself bound by it, and should decline to decide in opposition to it." Not finding such to be the case, he says in conclusion, p. 828: "I will not add other exceptions for which I can find no authority, and the addition of which, to my mind, will only introduce uncertainty and confusion into the law which we have to administer. I must, therefore, as regards the condition which relates to selling, declare that it is void." It may be worth while to mention here that two recent decisions on the subject of restraints in alienation in our courts are to be found in *Dickson v. Dickson*, and *Re Carner*.

A. H. F. L.

LAW SOCIETY.

TRINITY TERM, 1884.

The following is the *resumé* of the proceedings of the Benchers during Trinity Term, published by authority:—

During this term the following gentlemen were called to the Bar, *viz.*:—Messrs. S. C. Smoke, W. D. Gwynne, S. F. Washington, T. T. Porteous, A. D. MacIntyre, M. M. Brown, W. G. Thurston, T. E. Williams, J. Stewart, N. A. Belcourt, G. W. Field, F. H. Keefer, D. Armour, F. L. Brooke, A. C. Beasley. The names are arranged in the order in which the candidates appeared before Convocation for call.

The following gentlemen received certificates of fitness, *viz.*:—Messrs. Gwynne, Hutcheson, Smoke, McKinnon, Armour, Urquhart, St. John, Douglas, Thomas, Jackson, Williams, Collier, Brown, Eddis, Yarnold and Brooke.

The following gentlemen passed their First Intermediate Examination, *viz.*:—Messrs. Reeves, Lyall, Hearst, Duncan, Chambers, Lawson, Johnston, Fraser, McKay, with honours; and Messrs.