

tion, or you may restrict alienation by prohibiting it to a particular class of individuals, or you may restrict alienation *by restricting it to a particular time,*" and he implies that any such restrictions being partial, are valid.

Now, if you give an estate to a man but say he must not mortgage, he may at once make some disposition of it, or if you give it to him but say he must not sell to Japanese or Chinese or to any one but persons of the name of Smith, he may make some disposition of it at once. Such restraints are clearly partial, and are probably valid according to Littleton's exception. But if you give an estate to a man absolutely in fee simple, or for any other lawful freehold estate, and say he may not in any way dispose of it for ten years, then for ten years he is the absolute owner of property which he cannot alienate. Surely this is repugnant to the very nature of freehold interests in land or of any other vested interest in property (except perhaps a lease with a covenant not to assign, etc.), and while one will not say that there is no ancient authority to support it, it is pretty safe to say that it is not warranted by the examples from Littleton, Coke or the Touchstone cited by the learned Master of the Rolls. So, also, if you give a person a vested interest in property but say that he shall not dispose of it except by will, it may be quite true that his power of alienation is not entirely fettered, but a will only operates on death, and, therefore, for a time (the whole lifetime of the donee) he cannot part with his vested interest at all. It is a total, not a partial restraint on alienation, during the whole of the donee's life. It is perfectly true that in the last thirty years there are decisions in favour of restraints on alienation otherwise than by will. The leading case in Ontario holding this view is *Earls v. McAlpine*, 27 Gr. 161, 6 A.R. 145, where devisees were restrained from alienating during their mother's life except with her consent. This was held a partial restraint, although so long as she lived the vested estates of the sons were inalienable at the will of a stranger. This decision gave rise to many cases, some one way and some the other; many of them seeking to reconcile or distinguish earlier authorities and only ending in a worse mess than ever. *Re Wilkinson*, 6 O.R. 315, to which you