

a condition, which, if attached directly to his interest, would be invalid, but B. is not deprived of his interest. Compare this limitation with that in *In re Moore*, 39 Ch. D. 116.* There there was a devise of an annuity to a woman "during such time as she may live apart from her husband, before my son attains the age of twenty-one years." The commencement and determination of her interest were fixed in a way not permitted by law, and the gift did not take effect. The illegality of the transaction vitiated the gift in this case; in the former the condition had no effect; it was regarded simply as marking a point of time and not as being attached to an estate. The distinction is worth noting.

Until now we have been dealing with cases where the condition was attached to the property concerned itself. But it may also be sought to determine how a man deals with his land by giving a reward, if he uses it in the way desired, or imposing a penalty, if he does not do so. Here again there are three groups of cases; those in which there is a condition precedent, those in which there is a defeasance and those in which there is a conditional limitation. The effects of such limitations are illustrated in the following cases, but this form of gift is rather unusual and the cases are not numerous or satisfactory.

In *Barker v. Barker*, 10 Ec. 438, a legacy was given to the testator's daughters on condition that they should convey certain real estate to the testator's sons. The validity of the proviso was not questioned: the actual point in dispute was whether there was a lien on the real estate thus conveyed for the amount of the legacy; it was held that there was not.

In *In re Gosselin* (1906), 1 Ch. 120, the condition for obtaining a certain life interest was that the donee resettled certain other property to which he was entitled: money held to be invested in land, to which he was entitled under another settlement. The dispute was about another matter; the validity of the condition was taken for granted.

*This case contains a valuable discussion on conditions and limitations, many authorities being fully quoted and discussed.