

question for decision whether the provision that the interest appointed to them should be "disposed of by them respectively by last will but not otherwise" was a valid restraint on alienation. This is not a question of the Rule against remoteness of vesting a , but a question of the right to fetter the disposition of a vested estate. It is one of the questions propounded by the learned Judge at page 186 of the report, but he does not throughout his judgment deal with the cases usually cited on this branch of law. At page 193, however, he winds up his judgment by saying: "The result is that (the beneficiaries) are entitled presently to receive their respective shares of the settled fund free from any conditions or limitations." While, therefore, the judgment deals principally with other matters, one must concede, as you say, that the result is a decision declaring void a restraint on alienation otherwise than by will.

*Re Ferguson and Rowley* is not so complicated. The point came up squarely for decision, the authorities bearing on it were discussed and it was squarely decided that such a restraint is void at law; and it is submitted, notwithstanding your JOURNAL'S doubts, that the decision is right.

The subject is a most perplexing one, owing, I venture to think, partly to the fact that so great a Judge as Sir George Jessel went wrong in *Re Macleay*, L.R. 20, Eq. 186, and the weight of his learning and authority accomplished more than most people could achieve by throwing the law into confusion. One of the consolations of mediocrity is that one's mistakes are not so serious. The decision itself is perhaps unimpeachable, though it has been criticized. He bases it upon quotations from Littleton and Shepard's Touchstone, to the effect that a general restraint on alienation is void, and he continues the quotation as follows:—"If the condition be such that the feoffee shall not alien to such a one naming his name or to any of his heirs or to the issues of such a one, or the like, which do not take away all power of alienation from the feoffee, then such condition is good." He then goes on to say "So that according to Littleton, the test is, does it take away all power of alienation?" and at page 189, he further says: "You may restrict alienation by prohibiting a particular class of aliena-