

*Brandon v. Robinson*, 18 Ves. 429; *Webb v. Grace*, 2 Ph. 701; *Rochford v. Hackman*, 9 Hare 475; *Joe' v. Mills*, 3 K. & J. 458, are examples, which decide that if real or personal estate be given to A. for life, with remainder to B. absolutely, with a proviso that if A. should attempt to assign, his life estate should cease, such a proviso is read as a limitation to A. during his life or until he should attempt to assign, and upon that event, or after his death over, and such a limitation is held to be valid" (*Dugdale v. Dugdale*, 180).

*Rochford v. Hackman*, 9 Hare 475, 89 R.R. 539, will shew how the rule works in practice. That case dealt with a bequest of personalty; "a limitation in form determining a life estate upon alienation, was held to amount to a limitation until alienation and then over—a construction which has been followed in a multitude of cases since that decision," per Kay, J., in *In re Moore*, 39 Ch. D. 116. In *Hurst v. Hurst*, 21 Ch. D. 278, real property was devised to H. for life with a remainder over; if, however, H. charged or encumbered his interest it was to be forfeited. H. charged his life estate and, although the beneficiary repudiated the gift before he had taken any advantage, the clause operated.

In dealing with the life estate we have anticipated a little the third class of cases, i.e., those in which there is a conditional limitation. Chitty, J., in *In re Machu*, 21 Ch. D. 838, 842, sums up the law as follows: "Now the law up to a certain point is settled beyond all doubt. If an estate in fee simple is given by a will or other instrument with a proviso which is in law a condition-subsequent defeating the estate on alienation or on bankruptcy the condition is void. It is said that there may be a limitation to a man—not of his own property, but of the property of another—until he shall attempt to alienate or become bankrupt. It is settled that such a limitation is good with reference to a life estate, but there is no express authority, as far as the researches of counsel have extended, and so far as my memory serves me, in which the point has been decided that a limitation in fee to a man until he shall alienate or become bankrupt is good."