was not impeached by Ware vs Polhill; that the general practice had been not to confine them to lives in being, and 21 years; that half the titles in the Kingdom depended on such powers; — that if the power was within the line of perpetuity, the line could always be drawn, and that appeared to be no reason why it should be deemed void in its creation." In the cases of Biddle vs Perkins, 4 Sim. 135; Powers vs. Capron, 4 Sim. 138, Boyce vs Manning, Waring vs Coventry, Wood vs White, the question arose upon powers to sell, and in Wallis vs Freestone, 10 Sim. 225, upon a power to lease given to Trustees, in all the former of which cases a bill was filed for specific performance of an agreement to sell, and in the latter of an agreement to lease, entered into under the power, and though the objection that the power was granted in general terms, and was not restricted to the — period of perpetuity, was strenuously urged on the part of the purchasers, yet the objection was not sustained, but the parties were required to take the titles, under decrees for specific performance. Whilst these cases do not decide, in terms, that powers of sale, exchange or lease, not restricted to the perpetuity period, are valid, yet they shew, that in all the cases in which the question has been raised, the — Courts have shewn a manifest unwillingness to express any judgment in conflict with the settled opinion, and uniform practice of the — profession, in regard to validity of such — powers, upon the correctness of which so many

titles depended, and they further shew a great readiness in the Courts to lay hold of special circumstances, discoverable in each particular case, to authorize its exemption from the operation of the rule; and such an aversion to signify any opinion against the validity of these powers, as to render it "highly improbable that some — equally convenient mode of avoiding the practical objections alluded to, would not be discovered and judicially recognized;" Lewis on Perp. Law Lib. vol 52, p. 366. This author in his elaborate work just cited, after a most thorough discussion of the subject, and examination of the cases, concedes the unsatisfactory State of the authorities," "that they are few in number, and by no means answer the necessities of the case," p. 359, and though he does not declare his conviction that these powers, though unrestricted, will be sustained by the Courts, yet "he ventures to predict, that should the question ever call for judicial notice, the Courts will support the actual exercise of the class of — powers referred to, if made within the limits of perpetuity, although violation will thereby be offered to one of the rules of remoteness, which requires every limitation of a future interest, in its original form and nature, to be such as will necessarily take effect, if at all, within the prescribed period," Idem, p. 365. "The foregoing views of this author are sustained by what said by Ld. Lyndhurst, in regard to modelling powers, created in terms to unlimited, in pronouncing his opinion in the case of Gerrard vs Wilson, 4 Deane,