

**THE LEY HIPOTECARIA OF
SPAIN, OR, LAW ON THE
INSCRIPTION OF TITLES TO
IMMOVEABLE PROPERTY**

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The Ley Hipotecaria of Spain, or, Law on the Inscription of Titles to Immoveable Property by William Grain

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WILLIAM GRAIN

**THE LEY HIPOTECARIA OF
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INSCRIPTION OF TITLES TO
IMMOVEABLE PROPERTY**

THE
LEY HIPOTECARIA
OF
SPAIN,
OR
LAW ON THE INSCRIPTION OF TITLES TO
IMMOVEABLE PROPERTY;

DEEDS
AND
PREVENTIVE ANNOTATIONS
AFFECTING THE SAME;

DECREES
RESPECTING LEGAL INCAPACITY, ABSENT PARTIES, ETC.,

AND ALSO
PROVISIONS
FOR GIVING EFFECT IN SPAIN TO DEEDS EXECUTED IN FOREIGN
COUNTRIES AND TO THE JUDGMENTS OF FOREIGN COURTS.

TRANSLATED AND EDITED BY

WILLIAM GRAIN,
NOTARY PUBLIC, LONDON.

TO WHICH ARE ADDED
TRANSLATED EXTRACTS FROM THE WORKS REFERRED TO IN THE TEXT
AND
A GLOSSARY OF SPANISH TERMS THEREIN USED.

LONDON:
H. SWEET, 3, CHANCERY LANE, FLEET STREET,
Law Bookseller and Publisher,
1867.

TO
MY OLD AND DEAR FRIEND,
SEÑOR DON FRANCISCO CUTANDA,
GOWNED HONORARY MINISTER OF THE ROYAL AUDIENCIA,
MEMBER OF THE ROYAL SPANISH ACADEMY, AND ADVOCATE OF
THE ILLUSTRIOUS COLLEGE OF MADRID,
&c. &c. &c.

To have your permission to inscribe your name on these pages, and to address you under the title you have chosen to precede your other designations, is, indeed, a great privilege; while to acknowledge my many obligations to you I deem not more a pleasure than a duty.

Many years have passed since our first meeting, but I have never forgotten the kind encouragement you gave me; although, when you learned my object in coming to Madrid, you with playful humour remarked, that a few months were *rather* a short time to get any insight into the Laws of Spain.

I could only at the moment reply, in the words attributed, I believe, to Lord Bacon, that knowledge was of two kinds: what we carry in our heads, and what we knew where to lay our hands on in books.

To your judgment and valuable advice in the selection of a library I shall always feel deeply indebted; nor must I conclude without gratefully acknowledging your opportune suggestion of a Glossary, and your kindness in assisting me to settle some of the most difficult of the terms comprised in it.

With every wish for your health and happiness,

I remain, my dear Sir,

Yours very faithfully,

WILLIAM GRAIN.

INTRODUCTION.

The following Translation was commenced soon after the promulgation of the Law ; but the extreme difficulty I experienced in finding equivalents in English for many of the terms used made me delay its publication.

The perusal of a Translation I recently met with of a kindred Work has shewn me that the difficulty is one admitted by others, while it has convinced me that by no amount of painstaking and study can I hope to make the Work as complete as I could wish, and that I must abandon it altogether or, as suggested by a friend, have recourse to a Glossary explanatory of terms.

The Glossary includes many terms not found in the Work itself; but I have added them because they may increase the utility of the Book, when the reader has before him Spanish titles to property, wherein these words must necessarily be frequently found.

I will only add, that I shall be thankful to my friends and readers for any suggestions they may be kind enough to make with reference to technical renderings of terms employed in Spanish Law. It is my intention, as my avocations permit, to complete and publish, at an early period, Translations from other of the Codes of Spain, among the earliest of which will be the Laws relating to Successions and Testamentary Matters, and the course of Civil Procedure.

W. G.

31, THREADNEEDLE STREET, LONDON,
January, 1867.

MINISTRY OF GRACE AND JUSTICE.

Law of the 8th of February, 1861. Commanding the Publication of the PROJET DE LOI on Hypothec, to be forthwith made as the Law in the Peninsula and adjacent Islands.

Doña Isabel the Second, by the grace of God and the Constitution Queen of Spain: To all to whom these presents shall come, know ye, that the *Cortes* have decreed, and we have sanctioned, the following:—

ART. 1st.—The *Projet de Loi* on hypothecations, presented by the Government of her Majesty to the *Cortes*, shall be published forthwith as Law in the Peninsula and adjacent Islands.

ART. 2nd.—This Law shall commence to take effect within a year following the promulgation thereof, on a day that the Government of her Majesty may fix.

Therefore, we command all tribunals, justices, chiefs, governors and other authorities, as well civil as military and ecclesiastical, of every class and dignity, to keep and cause to be kept, fulfilled and executed, the present Law in all its parts. The Palace, the 8th of February, 1861.

I, THE QUEEN.

The Minister of Grace and Justice,

SANTIAGO FERNANDEZ NEGRETE.

(*Gaceta de Madrid*, 8th February, 1861.)

