

**LAND IN FETTERS, OR, THE HISTORY AND
POLICY OF THE LAWS RESTRAINING THE
ALIENATION AND SETTLEMENT
OF LAND IN ENGLAND: BEING THE
YORKE PRIZE ESSAY OF THE UNIVERSITY
OF CAMBRIDGE FOR THE YEAR 1885**

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Land in fetters, or, The history and policy of the laws restraining the alienation and settlement of land in England: being the Yorke prize essay of the University of Cambridge for the year 1885 by Thomas Edward Scrutton

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THOMAS EDWARD SCRUTTON

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LAND IN FETTERS

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BEING THE YORKE PRIZE ESSAY OF THE UNIVERSITY
OF CAMBRIDGE FOR THE YEAR 1885.

BY

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SCHOLAR OF TRINITY COLLEGE, CAMBRIDGE; AUTHOR OF "THE
LAWS OF COPYRIGHT"; "THE INFLUENCE OF THE ROMAN
LAW ON THE LAW OF ENGLAND"; ETC.

"So shall he have the curse of his father, but the land of his
grandfather." Bacon.



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TO
KENELM EDWARD DIGBY,
THIS WORK,
WHICH OWES SO MUCH TO HIS WRITINGS,
IS DEDICATED
BY
HIS FORMER PUPIL
THE AUTHOR.



PREFACE.

THE Yorke Prize of the University of Cambridge, to the establishment of which this work owes its existence, was founded about thirteen years ago by Edmund Yorke, late Fellow of St Catharine's College, Cambridge, and, under a scheme of the Court of Chancery, is given annually to that graduate of the University, of not more than seven years' standing from his first degree, who shall be the author of the best essay on some subject relating to the "Law of Property, its Principles, and History in various Ages or Countries." The subject prescribed for the year 1885 by the Adjudicators (Arthur Cohen, Q.C., M.P., and R. Romer, Q.C.), was "The History and Policy of the Laws restraining the Alienation and Settlement of Land in England." The prize was awarded to the Essay bearing the motto: "*Te teneam moriens*," which is now published in accordance with the conditions of the Award.

I am fully conscious that this essay sees the light under serious disadvantages. The subject it deals with has already been so fully treated by Mr Kenelm Digby and Mr Pollock, Mr Kay, Mr Brodrick and Mr Arnold, each from a different point of view, that there can hardly be room for another work on the subject. These pages bear the additional stigma of being a Prize Essay, and it is a commonplace of criticism that from that source no good thing can come. My critics, however, have been so forbearing to two previous trials of their patience