

**AN ANALYSIS OF THE ENGLISH
LAW OF REAL PROPERTY:
CHIEFLY FROM BLACKSTONE'S
COMMENTARY**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649449484

An Analysis of the English Law of Real Property: Chiefly from Blackstone's Commentary by
Sir William Blackstone & Gordon Campbell

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

SIR WILLIAM BLACKSTONE & GORDON CAMPBELL

**AN ANALYSIS OF THE ENGLISH
LAW OF REAL PROPERTY:
CHIEFLY FROM BLACKSTONE'S
COMMENTARY**

ENGLISH
REAL PROPERTY LAW

PRINTED BY SPOTTISWOOD AND CO.

FOR

JAMES THORNTON, OXFORD

LONDON: SIMPSON, MARSHALL, & CO.

AN ANALYSIS OF

THE ENGLISH LAW OF

REAL PROPERTY

CHIEFLY FROM BLACKSTONE'S COMMENTARY

BY

GORDON CAMPBELL

OF THE INNER TEMPLE, BARRISTER-AT-LAW; M.A., LATE SCHOLAR BLENHEIM
COLLEGE, OXFORD, M.A., LL.D. TRINITY COLLEGE, CAMBRIDGE:
AUTHOR OF 'AN ANALYSIS OF ADAM SMITH'S JURISPRUDENCE'
AND OF 'A COMPENDIUM OF ROMAN LAW'

SECOND EDITION

Oxford

JAMES THORNTON, HIGH STREET

1887

CONTENTS.

CHAPTER	PAGE
INTRODUCTORY.	
The place of the Law of Real Property in Blackstone's System 1	
I. The Origin of Property	3
A. Things Real.	
II. Corporeal Hereditaments	5
III. Incorporeal Hereditaments	8
IV. B. Tenures by which Things Real may be held	14
V. Ancient English Tenures	16
VI. Modern English Tenures	20
C. Estates which may be had in Things Real.	
VII. Freehold Estates of Inheritance	27
VIII. Freehold Estates not of Inheritance	31
IX. Estates less than freehold	34
X. Estates upon condition	37
XI. Estates in possession, remainder and reversion	40
XII. Estates in severalty, joint tenancy, coparcenary and common	44
D. The Title to Things Real.	
XIII. Title: Definitions	50
XIV. Titles by Act of Law: Descent	51
XV. " " Escheat	54

CHAPTER		PAGE
XVI.	Titles by Act of Party:—Occupancy	56
XVII.	" " Prescription	57
XVIII.	" " Forfeiture	58
XIX.	" " Alienation	64
XX.	" " (α) By deed	66
XXI.	" " (β) By record	78
XXII.	" " (γ) By special custom	80
XXIII.	" " (δ) By devise	81

TABLE

OF THE PRINCIPAL STATUTES RELATING TO THE LAW OF REAL PROPERTY.

13 Edw. I. c. 1.	De Donis.
18 Edw. I. c. 1.	Quia Emptores.
27 Henry VIII. c. 10.	Statute of Uses.
27 Henry VIII. c. 16.	Statute of Enrolments.
32 Henry VIII. c. 1.	Statute of Wills.
12 Car. II. c. 24.	Abolition of Military Tenures.
29 Car. II. c. 3.	Statute of Frauds.
9 George II. c. 36.	Mortmain.
3 & 4 William IV. c. 74.	Fines and Recoveries.
3 & 4 William IV. c. 106.	Dower Act.
3 & 4 William IV. c. 106.	Inheritance Act.
1 & 2 Vict. c. 110.	Judgment Debts.
27 & 28 Vict. c. 112.	Judgment Debts.
33 & 34 Vict. c. 93.	Married Women's Property Act, 1870.
37 & 38 Vict. c. 78.	Vendors and Purchasers' Act, 1874.
38 & 39 Vict. c. 87.	Land Transfer Act, 1875.
38 & 39 Vict. c. 92.	Agricultural Holdings Act, 1875.
40 & 41 Vict. c. 18.	The Settled Estates Act, 1877.
44 & 45 Vict. c. 41.	The Conveyancing Act, 1881.
45 & 46 Vict. c. 38.	The Settled Land Act, 1884.

ANALYSIS
OF
BLACKSTONE'S LAW OF REAL PROPERTY

INTRODUCTION.¹

THE PLACE OF THE LAW OF REAL PROPERTY IN
BLACKSTONE'S SYSTEM.

THE arrangement which seems to have been intended by Blackstone in his Commentaries is as follows:—

He first expressly distinguishes Law regarding Rights from Law regarding Wrongs, a distinction which is practically equivalent to a division of the *Corpus juris* into the Law regarding Primary and Secondary (or Sanctioning) Rights.

The Law of Primary Rights is further subdivided by Blackstone into the so-called *Jura personarum*, or Law regarding those rights which concern or are annexed to the persons of men, and the *Jura rerum*, which he describes as the 'Right which a man may acquire over things unconnected with his person.'

¹ The writer of the Analysis is entirely responsible for the form and matter of the Introduction.