

THE LAND LAWS

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The Land Laws by Frederick Pollock

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THE LAND LAWS

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THE LAND LAWS

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HAEC . QVANTVLACVNQVE
D.D.D.
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PREFACE.

SOME words of introduction seem desirable in order to explain what this book aims at, and what it does not. The subject is the Land Laws of England, not those of Scotland or of Ireland, which, for different reasons, were beyond my plan. Scotland has a distinct legal system of her own with a distinct history; the study of it, a highly interesting one so far as with my slight knowledge of it I can judge, would be a separate undertaking. Irish land law, on the other hand, is nothing but imported English law with certain modifications. The only material modifications are those lately made in the relations of landlord and tenant, and they are too much involved with political controversies, and with still unsettled questions peculiar to Ireland, to be profitably treated in connection with English institutions.

Dealing, then, with England alone, I have endeavoured to make the principles and the leading features of our law of real property intelligible to a reader who is without legal training, but is willing to take some little pains to understand. I say the principles and the leading features, not the application in detail; it would be worse than idle to hold out any pretence of making

every man his own lawyer in such matters. There are already quite enough popular books of that kind for such as will put their trust in them. I have adopted in the main the historical plan of exposition, rather because the nature of the subject-matter forced it on me than from any general prepossession. My task has been to speak at the same time exactly enough for lawyers and plainly enough for laymen; a task of which the difficulty can be estimated only by those who have made the trial. I have endeavoured not to introduce technical terms without explanation, and to make every explanation accurate as far as it goes. Having, moreover, to do this in a small compass, it cannot be that I have not sometimes erred; happily those who are most able to detect errors will also be the most ready to forgive them. In touching on controverted points of policy, I have tried to state facts clearly and fairly, but have not attempted to disguise my own opinions. In such a case the affectation of impartiality can ensure only the certainty of tediousness.

Various topics of government and public economy, more or less connected with land tenure, may be said to lie on the border of the main subject, and question may be made whether they would be properly included, and which of them, if any, should be preferred to the others. But no doubtful choice among such topics has offered itself in the present undertaking, for the simple reason that there was no room to treat of any of them. Local Taxation, Succession Duties, and the Game Laws, are examples of the kind. It seemed better to give a tolerably full view of a few things not generally accessible than to slur them over for the sake of adding a

hasty summary of other things already familiar in public affairs, and assignable with at least equal justice to other departments.

In a work of this scale it is impossible to make such acknowledgments as otherwise would be due. Scholars will be able to follow and test my authorities without much trouble; for their use (and without displeasure, I trust, to the less curious reader) I have given specific indications where I thought it convenient. And yet I have debts which I must not omit to mention. Mr. Elton has laid me under obligation by private communications as well as by his published writings. My friends Mr. H. W. Elphinstone, Mr. G. H. Blakesley, and Mr. F. W. Maitland, have at all times given me the fullest benefit of their learning and criticism—a generosity in things of the mind, comparable to that of the apostolic community in things of worldly substance, which has ever been the tradition of our common profession. Among books which handle the matter on the economic rather than the legal side, that which I have found most useful and trustworthy is the Warden of Merton's *English Land and English Landlords*.

An Appendix is added for the discussion of certain special points. The Notes marked A, B, C, and D are intended for historical students as well as for lawyers. Notes E and F are addressed to lawyers only.

The Index is made, by a simple typographical device, to serve to some extent the purpose of a Glossary.

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October 1883.

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