DIRECTIONS FOR DRAWING ABSTRACTS OF TITLE: WITH OBSERVATIONS ON THE NECESSITY OF REQUIRING A SIXTY YEARS TITLE, NOTWITHSTANDING THE RECENT STATUTE OF LIMINATIONS: TOGETHER WITH A COLLECTION OF PRECEDENTS

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649439614

Directions for Drawing Abstracts of Title: With Observations on the Necessity of Requiring a Sixty Years Title, Notwithstanding the Recent Statute of Liminations: Together with a Collection of Precedents by William Gardenor

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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WILLIAM GARDENOR

DIRECTIONS FOR DRAWING ABSTRACTS OF TITLE: WITH OBSERVATIONS ON THE NECESSITY OF REQUIRING A SIXTY YEARS TITLE, NOTWITHSTANDING THE RECENT STATUTE OF LIMINATIONS: TOGETHER WITH A COLLECTION OF PRECEDENTS

Trieste

DIRECTIONS

FOR DRAWING

ABSTRACTS OF TITLE:

WITH

Observations

ON THE

NECESSITY OF REQUIRING A SIXTY YEARS TITLE, NOTWITHSTANDING THE RECENT STATUTE OF LIMITATIONS:

TOGETHER WITH

A COLLECTION OF PRECEDENTS,

WHEREBY

A YOUNG MAN MAY GAIN SUFFICIENT KNOWLEDGE TO ENABLE HIM TO DRAW EVERY KIND OF DOCUMENT, WITHOUT THE ASSISTANCE OF THE PRINCIPAL.

BY

WILLIAM GARDENOR,

ATTORNEY AT LAW.

LONDON:

E. SPETTIGUE, 67, CHANCERY LANE.

1840.

TO

CHARLES BARTON, JUN., ESQ.

BARRISTER AT LAW,

This Work

IS DEDICATED

AS A TRIBUTE OF RESPECT TO HIS TALENTS,

AND

A TESTIMONY OF PERSONAL ESTEEM AND REGARD,

BY HIS MOST OBLIGED SERVANT,

THE AUTHOR.

PREFACE.

In preparing the following pages, the chief object of the Author has been to give all the information necessary to draw Abstracts of Title in as small a compass as possible, and therefore, has only given a few precedents, as a further explanation of what is laid down in the commencement of the work, and as neither time or labour has been spared to make it answer the purposes for which it was written, he trusts it will meet with as ready a sale as his former production.

THE AUTHOR.

DIRECTIONS

FOR DRAWING

ABSTRACTS OF TITLE.

What an Abstract is.] An abstract of title is defined by Mr. Stewart to be "a statement of the documents and evidence relating to certain particular premises, in which all that is necessary to enable counsel to judge upon the validity of the title is given at length, and all that is immaterial is retrenched." 3 Stewart's Conv. 1.

The mistaken notion prevalent amongst some professional men as to a 60 years' title.] I shall first point out the mistaken notion prevalent amongst professional gentlemen, who have not properly considered the subject, that in consequence of the new Statute of Limitations a purchaser will not be warranted in requiring the abstract of title to go so far back as under the old system, their idea being that the present length of

abstract is with reference to the limitation of 60 years, which is quite a mistake. It is with *reference to the duration of human life:* therefore an abstract should commence with an instrument of not less than 60 years' date, in order to cover the probable length of a man's life; because, for instance, a man may marry a woman seised of a freehold estate; and after issue born, the woman may die; whereupon the husband will be entitled to hold the estate for his life as tenant by the curtesy.[a] The husband, at the time of his wife's death, may be only twenty years of age, and may live fifty years or more; upon his obtaining twenty-one, he may convey the property to another for a fee simple estate,[b] which deed would form the foundation of a title of forty or fifty years, and bear all the appearance of a marketable title. But upon the death of the husband, the heir of the wife would enter upon the estate, and oust even a purchaser for a valuable consideration. The abstract should commence with a deed rather than a will, as the former is better evidence of ownership than the latter. A mortgage is the best deed to commence with, because it would be presumed a *mortgagee* would enquire into the earlier title; and not advance his money upon an unmarketable one.

[a] As to what is a tenant by curtesy, see the "Articled Clerk's Assistant," p. 37. [b] *Ibid.* 9.