

**SHORT LECTURES EXPLANATORY
OF OUR LAND LAWS, DELIVERED AT
THE WORKING MEN'S COLLEGE. A
CATALOGUE OF HENRY S. KING &
CO.'S PUBLICATIONS.**

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THOMAS LEAN WILKINSON

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SHORT LECTURES
EXPLANATORY OF
OUR LAND LAWS

DELIVERED AT THE WORKING MEN'S COLLEGE

BY
THOMAS LEAN WILKINSON

OF THE INNER TEMPLE, BARRISTER-AT-LAW

HENRY S. KING & Co.
65 CORNHILL & 12 PATERNOSTER ROW, LONDON
1873

THE following LECTURES were delivered during the present month to the Students of the Working Men's College, Great Ormond Street, London. The author's object was humble: it was merely to give such a concise and simple sketch of the main outlines of a portion of our law, now receiving much public attention, as would interest non-professional men, to whom even the admirable class books of Mr. Joshua Williams are unknown.

February, 1873.

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OUR LAND LAWS.

LECTURE I.

Necessity of some knowledge of the history of the land laws—Manner of holding land in England before the Conquest—Effect of the Conquest on the holding of land—Introduction of the Feudal System—Fundamental principle of the land laws—Tenure—History and description of tenures—Different classes of estates: Freeholds—Copyholds—Leases for terms of years—Varieties of freehold estates—Estate for life.

THE LAW relating to the land of this country cannot be rightly understood without some previous knowledge of its history. It is not alone that its subtle theories, fine distinctions, restrictions, forms, and terminology cannot be made clear without some reference to their origin; but the law itself is very ancient, many of its rules having come down to us from the days when the foundations of our jurisprudence were laid. Some of the commonest every-day dealings with land derive their validity from Acts of the Parliaments of Edward I. and decisions of the Judges of Edward IV., while the modern changes in the law have touched the ancient system so lightly that an acquaintance with it is necessary before the very changes can be understood.

When the bands of Teutonic invaders first settled in

England, their manner of dealing with the lands they conquered was very simple. They settled on the tract which their swords had cleared of its old owners, and occupied it as their own territory or *mark*. A large portion was set aside for the general benefit of the little community, to be enjoyed in common, or to be let on such terms as the public voice might decide, and the remainder was allotted in separate portions to the individual conquerors; the extent of each portion being, no doubt, determined by the rank or prowess of the warrior who received it, but, at the same time, care being taken that each freeman had a share of the soil he had helped to win. As the swarms from the North grew more numerous, the quantity of land thus divided increased, until it included most of ancient England.

Lands thus held by individual men were held 'allodially,' that is, the holder had no over-lord. In regard to his land, he knew 'no superior but God and the law.' This is the nearest approach to absolute property in land which can be found recognised in the whole range of English jurisprudence. But all the lands which were held allodially were not acquired by so rude a form of grant. They were not all mere booty. As English society became more settled, and shires grew out of the aggregation of marks, kingdoms out of the like aggregation of shires, and finally the supremacy of Wessex became established, the land which had been reserved for the common benefit of its conquerors—the *folkland*, as it was called—passed into the guardianship of the king and his witan. With this guardianship passed the right of giving the land away—a right very freely exercised. Numbers of