

CONTENTS

<i>Preface and acknowledgments</i>	<i>page ix</i>
<i>Table of cases</i>	xi
<i>Table of statutes</i>	xxi
<i>Table of statutory instruments</i>	xxvii
1 Meaning of possession	1
Introduction	1
Different meanings	1
First meaning: a relationship with a corporeal estate	1
Second meaning: occupation	5
Third meaning: constructive possession	8
Summary of meanings	13
Problem of different meanings	13
Errors as a result	14
2 Protection of possession	19
Introduction	19
The possessory actions	19
Actions for recovery of land	20
Actions for trespass	22
Actions in nuisance	24
Possessory actions and occupation	25
Possession and wrongdoer's title	27
Possessory actions and <i>ius tertii</i>	30
3 Possession, title and freehold land	35
Introduction	35
Crown demesne	36
No allodial land	37

	Crown overlord	38	
	Possession proves title	40	
	Relativity of titles	42	
	The title proved by possession	44	
	Registered land	46	
4	Leases and licences	50	
	Introduction	50	
	Contract and estate	52	
	Estate owner not in possession of the lease	56	
	Possession and forfeiture	58	
	Relief from forfeiture	61	
	Terms for the grant of relief	62	
	Contractual licences	67	
	Protection of licences	69	
5	Mortgages and charges	74	
	Introduction	74	
	Legal mortgages	74	
	A legal mortgagee's right to possession	78	
	The legal mortgagee in possession	81	
	Equitable securities	83	
	A mortgaged lease: covenants	86	
	A mortgaged reversion: covenants	87	
6	Equity and trusts	91	
	Introduction	91	
	The relationship between common law and equity	91	
	Personal and proprietary equitable rights	94	
	Equity and an action to recover land	96	
	Equity, trespass and nuisance	100	
	Equity, trusts and injunctions	101	
	Equity and leases to minors	104	
7	Birth and death, dissolution and insolvency	107	
	Introduction	107	
	Birth	107	
	Death	108	
	Dispositions to the non-extant	111	

CONTENTS

vii

Private receivership	113
Court-appointed receivers	115
Bankruptcy and winding up	116
Disclaimer	119
Escheat	122
Dissolution	123
8 Adverse possession and prescription	125
Introduction	125
Conceptual similarities and differences	125
Touchstones of adverse possession	128
Adverse possession, prescription and consent	135
Adverse possession and leases	136
Adverse possession and restrictive covenants	138
Adverse possession and land registration	139
Possession of incorporeal hereditaments	142
9 Possession judgments	145
Introduction	145
In rem or in personam?	146
Possession judgments: the land or an estate?	152
The process of enforcement	153
Setting aside possession judgments	155
Setting aside execution	156
Suspended possession orders	157
Tolerated trespassers	158
10 Summary and conclusions	161
Meaning of possession	161
Protection of possession	162
Possession, title and freehold land	163
Leases and licences	164
Mortgages and charges	165
Equity and trusts	165
Birth and death, dissolution and insolvency	166
Adverse possession and prescription	167
Possession judgments	168
<i>Index</i>	170