

Doctrine of Estates

- since a person cannot own land, only own an interest in land, doctrine of estates defines the period for which any such interest will last (duration)
- 1. fee simple (freehold): nearest you can get to absolute ownership over land in common law, originally meant if a person had a tenure on his death it can be passed through its lineal/collateral heirs, after 17thc it was possible to will/sell the land
 - fee simple conditional: doesn't last forever, void conditions = restraints on alienation, i.e. you can inherit the land on condition that you don't sell it
- 2. life estate: land left by will then goes to a fee simple, e.g. widow enjoys the land for the rest of her life and then it is inherited by her child, widow cannot will it to anyone
- 3. leasehold estate: gives right to possession/use/enjoyment for a definite period
- 4. fee tail, redundant now but it is lineal

Concept of Seisin

- seisin = actual possession of land by a freeholder, even if possession is adverse
- the law will protect the squatter's possession if the land is vacant until someone provides a better right to the land
- note: **Asher v Whitlock 1865 Lr 1 Q.B.1**: Williamson enclosed an area of wasteland (squatter) and erected house and occupied it until he died in 1860, he devised the land to his wife for her natural life as long as she remains his widow and unmarried with the remainder to his daughter Mary, mother and daughter continued to live on the property, widow married and the new husband survived both widow and Mary, it was held that the child Mary had had possession of the land and the new husband did not
- disseisin: dispossession of land for the freeholder, if he has good title then he will still have right of entry even if he has been dispossessed