

**THE LAW RELATING TO CHIEF RENTS
AND OTHER RENTCHARGES: AND
LANDS AS AFFECTED THEREBY, WITH A
CHAPTER ON RESTRICTIVE COVENANTS
AND A SELECTION OF PRECEDENTS**

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The Law Relating to Chief Rents and Other Rentcharges: And Lands as Affected Thereby, with a Chapter on Restrictive Covenants and a Selection of Precedents by William Harrison

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WILLIAM HARRISON

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BY
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PREFACE.



THE branch of law which forms the subject of this little treatise is one which has not for many years been dealt with in a complete and connected form. This circumstance is no doubt attributable, in a great measure, to the changes effected by the concurrent repeal, thirty years ago, of the Usury Laws and the Annuity Acts, as a result of which the practice, once so prevalent, of granting rents and annuities as securities for money virtually ceased, and the mass of judicial law which had clustered around these statutes was consigned to oblivion. Whilst, therefore, the standard work on Rents of the Lord Chief Baron Gilbert (published in the last century) is completely out of date, the works which succeeded it, and treated more especially of the Annuity Acts, are scarcely less so.

The usefulness of Rents is not, however, confined to one particular direction, and the long interval—upwards of half a century—

which has elapsed since the subject was last treated of, has witnessed, on the one hand, a steady extension of the practice of selling building land in fee in consideration of a rentcharge instead of letting it for a term of years; and, on the other, and more particularly in recent years, a rapid appreciation of the advantages which these rents possess for purposes of investment. Meantime, although the rules laid down by Bracton, Littleton and Coke, having survived the changes of centuries, still form the basis of the law on the subject, not a few changes have been made by enactment and judicial decision—changes the application of which to rents is in many cases disguised by the use of general expressions. In particular, the wide and far-reaching provisions of the Conveyancing and Law of Property Act, 1881, touch at numerous points and considerably modify the previously existing law affecting this class of property. Under these circumstances, and in view of the fact that the references to Rents in the modern conveyancing treatises are very scattered and incomplete, it has been felt that there is room for such a new and systematic treatment of the subject as is contained in

PREFACE.

the following pages. A further *raison d'être*, if any be needed, will be found in the fact of the growing dissatisfaction with the prevalent leasehold system, and the apparent certainty that the recently inaugurated movement in favour of Leasehold Enfranchisement will end sooner or later in the conversion into perpetual rentcharges of most of the rents now payable by holders for long terms of years.

A chapter has been added on Restrictive Covenants. Although belonging to a distinct branch of the law, these covenants are so generally entered into by a grantee on chief rent that it was felt the work would be incomplete without a summary on this head. This is the more desirable as it is seldom that a complete statement of the law as to restrictive covenants is to be met with. It is hoped that this summary may also be found useful in many cases where these covenants exist apart from any chief rent.

The Precedents in the Appendix have been prepared from the most modern forms, and every effort has been made to combine conciseness with clearness and the necessary completeness.

References have been given to decisions down to the time of publication, and the Table of Cases has been extended so as to include all the contemporary reports.

Modern Acts of Parliament are throughout referred to by the short titles which are now always provided, as it is believed that the object and purpose of an enactment can be much more readily apprehended thus than by the citation of figures, which serve only for reference. Where necessary, these latter can be ascertained from the Index under the head of "Statutes." A word of explanation may be necessary in regard to the statutory provisions set out in the text. These do not profess to be quotations, or to give more than what is pertinent to the point in question. On any collateral point, reference should therefore be made to the Act itself.

I have to thank Mr. F. S. HIGSON, Solicitor, for kindly perusing the manuscript, and for many valuable hints and suggestions.

W. H.

MANCHESTER,
July, 1884.

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