

property belongs to a particular Body of Men or Community, and the use falls to all Persons of that Body as the Streets, Theaters, Places where Courts of Justice are held, Market Places in a City, Colleges, Town Houses, and the like.

Res Singulorum are those which are in the property or patrimony of single Persons or Societies or Corporations who are considered as one Body Politick, the Word Patrimony being taken generally, and not in its strict and proper Sense when it signifies that estate alone which was derived in Patrimony. The Patrimony belonging to any City or Society is called their Common Goods, which is not to be used by every Person Inhabitant or Burgess thereof but is at the Disposal of the Whole Body, as that which appertains to the Patrimony of single persons may be used and disposed of by them.

A Right to such things within the Commerce of Particular Persons or Societies is termed an Estate.
Estates consist of Possession, or Property.

Book I.
of Possession.

Chap. I.

The Nature and several Kinds of Possession.

Possession (quasi, ^{posidum positum, the settling upon a thing} ^{potestas sedum} the fixing or settling a seat or habitation) takes its Name from a special Kind thereof, viz. Possession of the Earth (Crag feud. lib. 2. tit. 2. §. 2. in fin. It being one of the Means of Possession that we have things in our Power that we make Use of them, that we enjoy them, and without it Property being useless. the Word Possession is often used to signify Property. l. 70. ff. de verbor. signif. As when a Man is said to have great Possessions. Sometimes it signifies the holding or detaining of a Thing. In which last Sense Possession and Property are two Things necessarily to be distinguished, and the one may be without the other. l. 12. §. 1. ff. de acquir. vel amit. poss. Such Possession is taken so for simple holding and detaining, which is the being in Possession only without a Right to Use. 2^o persons are, if such detaining may deserve the Name of Possession. l. 28. §. 2. ff. eod. This is facti non juris a Thing of Fact and not of Right. l. 1. §. 3. ff. eod. 2^o Possession signifies the detaining of a Thing in the Name of another Person to whom it belongs as Life-renters, Servants, Farmers or Factors do; who have only a borrowed Possession for some Time; and through and by whom the Master possesses. 3^o Another Sort of Possession is a Person's having a Thing belonging to himself in his own Custody, which Possession cannot be separated from the Property. l. 8. C. de acquir. & ratin. poss. In which two last Senses, Possession is not only a Thing of Fact, but it is likewise a Matter of Right. l. 49. §. 1. ff. de acquir. vel amit. poss. For he whose Possession detains the Thing for his proper Use and debars others from taking it out of his Hand, by some Title or Claim of Right. This is properly called Possession.

Possession is commonly distinguished into natural and civil Possession. The former is that which really is, and the latter what is held and reputed possession.

Natural Possession, is the having or using a Thing naturally & corporally by our selves: as when we possess Ground by labouring it and reaping the Fruits; or any moveable Thing, by having it in our Hands or Custody, and doing with it as there is Occasion. This Possession by the Body, is termed natural, because introduced by the Law of Nature and it consists only in the bare natural detaining without the Right of Property.
Civil Possession, is ones having or using a Thing by his Mind, and the Hands of another who holds it in his Name, as a Depository Servant or Factor, which