

## A Systematic and Historical Exposition of Roman Law in the Order of a Code, Institutes of Gaius and Justinian (1885)

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The **Security** that the State gave us is the **Certificate of Live Birth (COLB)**!

### c. Securities.

The various modes of creating usufructs just described operate in favour of the usufructuary only when he has complied with an indispensable preliminary. (D. 7, 9, 7.) Every usufructuary must give security, whatever the mode of his appointment. (D. 7, 9, 9, 1.) The form of security was sureties (*fidejussores*). (C. 3, 33, 4.) The object of the security was twofold—(1) that the usufructuary would deal with the property so as to satisfy a fair man (*boni viri arbitratu*) (D. 7, 9, 1, 3); and (2) would give back the property when his interest terminated.<sup>1</sup> In later times these promises were superfluous; the law imposed these obligations upon all usufructuaries; but there was an advantage in getting others as sureties, and for mismanagement an action could be brought on the promise before the usufruct came to an end. (D. 7, 9, 1, 5.)

The Security (Surety) is our COLB that the State gave us as a Surety that they would give back the property (Estate) when the State's interest is terminated (which should have been when we reached the age of majority at 25). We did not claim it, so it became abandoned property and the State simply retained it as its usufruct, "until the proper owner appears" (Blackstone Commentaries, Book 2, Chapter 7, page 3 - see below). We must **Reclaim our Securities!**

Commentaries on the Laws of England, by William Blackstone

### **BOOK 2, CHAPTER 7**

#### **OF FREEHOLD ESTATES, OF INHERITANCE**

of which Titius is seized in his demesne as of fee. The fee-simple or inheritance of lands and tenements is generally vested and resides in some person or other; though diverse inferior estates may be carved out of it. As if one grants a lease for twenty one years, or for one or two lives, the feesimple remains vested in him and his heirs; and after the determination of those years or lives, the land reverts to the grantor or his heirs, who shall hold it again in fee-simple. Yet sometimes the fee may be in abeyance, that is (as the word signifies) in expectation, remembrance, and contemplation of law; there being no person in esse, in whom it can vest and abide; though the law considers it as always potentially existing, and ready to vest whenever a proper owner appears.

## Roman Canon Law in Reformation England

[https://docs.google.com/file/d/0B8BdR0w2oZY\\_cEZFRHRxcHl3RFk/edit](https://docs.google.com/file/d/0B8BdR0w2oZY_cEZFRHRxcHl3RFk/edit)

"Every usufructuary must give security... The form of security was sureties." according to the Roman Law in the Order of a Code.

Evidently, this "Code" survived the Reformation, so perhaps the **above cite may still have authority and application today** in our claiming said security.

See:

[http://www.cambridge.org/gb/knowledge/isbn/item1138477/?site\\_locale=en\\_GB](http://www.cambridge.org/gb/knowledge/isbn/item1138477/?site_locale=en_GB)

## Roman Canon Law in Reformation England

In this book one of the world's foremost legal historians draws upon the evidence of the canon law, court records and the English common-law system to demonstrate the extent to which, contrary to received wisdom, Roman canon law survived in England after the upheavals of the Protestant Reformation. R. H. Helmholz provides an extensive examination of the manuscript records of the ecclesiastical courts and professional literature of the English civilians. Rebutting the views of Maitland and others, he shows how English looked to the Continent for guidance and authority in administering the system of justice they had inherited from the Middle Ages. Intellectual links between England and the Continent are shown to have survived the Reformation and the abolition of papal jurisdiction. The extent to which papal material was still used in England during the sixteenth and seventeenth centuries will interest all readers and surprise many.