

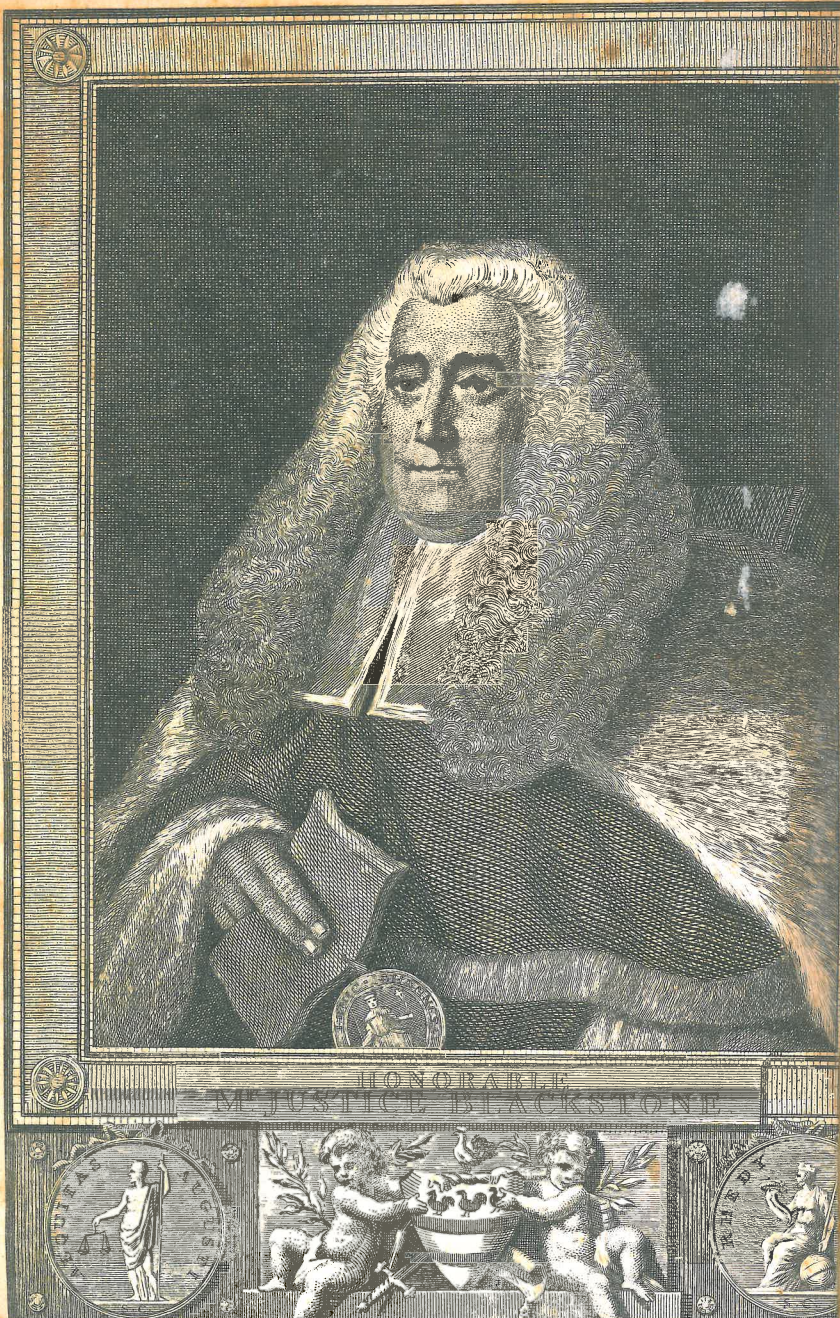
COMMENTARIES
ON THE
Laws of England,
IN FOUR BOOKS.

BY
Sir WILLIAM BLACKSTONE, Knt.
ONE OF THE JUSTICES OF HIS MAJESTY'S
COURT OF COMMON PLEAS.

THE FIFTEENTH EDITION,
WITH THE LAST CORRECTIONS OF THE AUTHOR;
AND WITH NOTES AND ADDITIONS
By EDWARD CHRISTIAN, Esq.
BARRISTER AT LAW,
THE DOWNING PROFESSOR OF THE LAWS OF ENGLAND,
AND CHIEF JUSTICE OF THE ISLE OF ELY.

LONDON:

PRINTED BY A. STRAHAN,
LAW-PRINTER TO THE KING'S MOST EXCELLENT MAJESTY,
FOR T. CADELL AND W. DAVIES, IN THE STRAND.



TO

The Queen's Most Excellent Majesty,

THE FOLLOWING VIEW

OF THE LAWS AND CONSTITUTION

OF ENGLAND,

THE IMPROVEMENT AND PROTECTION OF WHICH

HAVE DISTINGUISHED THE REIGN

OF HER MAJESTY'S ROYAL CONSORT,

IS,

WITH ALL GRATITUDE AND HUMILITY,

MOST RESPECTFULLY INSCRIBED

BY HER DUTIFUL

AND MOST OBEDIENT

SERVANT,

WILLIAM BLACKSTONE.

PREFACE.

THE following sheets contain the substance of a course of lectures on the laws of England, which were read by the author in the university of OXFORD. His original plan took its rise in the year 1753: and notwithstanding the novelty of such an attempt in this age and country, and the prejudices usually conceived against any innovations in the established mode of education, he had the satisfaction to find (and he acknowledges it with a mixture of pride and gratitude) that his endeavours were encouraged and patronized by those, both in the university and out of it, whose good opinion and esteem he was principally desirous to obtain.

The death of Mr. VINER in 1756, and his ample benefaction to the university for promoting the study of the law, produced about two years afterwards a regular and public establishment of what the author had privately undertaken. The knowledge of our laws and constitution was adopted as a liberal science by general academical authority; competent endowments were

decreed for the support of a lecturer, and the perpetual encouragement of students; and the compiler of the ensuing Commentaries had the honour to be elected the first Vinerian professor.

In this situation he was led, both by duty and inclination, to investigate the elements of the law, and the grounds of our civil polity, with greater assiduity and attention than many have thought it necessary to do. And yet all, who of late years have attended the public administration of justice, must be sensible that a masterly acquaintance with the general spirit of laws and the principles of universal jurisprudence, combined with an accurate knowledge of our own municipal constitutions; their original, reason, and history, hath given a beauty and energy to many modern judicial decisions, with which our ancestors were wholly unacquainted. If, in the pursuit of these inquiries, the author hath been able to rectify any errors which either himself or others may have heretofore imbibed, his pains will be sufficiently answered: and, if in some points he is still mistaken, the candid and judicious reader will make due allowances for the difficulties of a search so new, so extensive, and so laborious.

POSTSCRIPT.

NOTWITHSTANDING the diffidence expressed in the foregoing Preface, no sooner was the work compleated, but many of its positions were vehemently attacked by zealots of all (even opposite) denominations, religious as well as civil; by some with a greater, by others with a less degree of acrimony. To such of these animadvertisers as have fallen within the author's notice (for he doubts not but some have escaped it) he owes at least this obligation; that they have occasioned him from time to time to revise his work, in respect to the particulars objected to; to retract or expunge from it what appeared to be really erroneous; to amend or supply it when inaccurate or defective; to illustrate and explain it when obscure. But, where he thought the objections ill-founded, he hath left, and shall leave, the book to defend itself: being fully of opinion, that if his principles be false and his doctrines unwarrantable, no apology from himself can make them right; if founded in truth and rectitude, no censure from others can make them wrong.

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TO

THIS EDITION.

THE discharge of a duty similar to that to which the world is indebted for the Commentaries on the Laws of England, led the Editor to presume, that in the course of his researches he might be able to collect some observations which might be useful to the Public, and at the same time it suggested the propriety of his exertions to contribute to the further improvement of that valuable production.

The extensive sale of the preceding Editions has abundantly proved that the design meets with general approbation.

No alteration has been made in the Author's text; but the principal changes, which either the legislature or the decisions of the courts have introduced into the law since the last corrections of the Author, are specified and explained by the Editor in the notes *.

The Commentaries on the Laws of England form an essential part of every Gentleman's library: the beautiful and lucid arrangement, the purity of the language, the classic elegance of the quotations and

* The Editor's notes are separated from the Text and notes of the Author, by a line, and are referred to by figures, thus (1); and the pages of the former editions are preserved in the margin.

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allusions, the clear and intelligible explanation of every subject, must always yield the reader as much pleasure as improvement; and wherever any constitutional or legal question is agitated, they are the first, and, in general, the best authority referred to. What Pliny has said of another eminent professor of Law may justly be applied to Sir William Blackstone: *Quam peritus ille et privati juris et publici! Quantum rerum, quantum exemplorum, quantum antiquitatis tenet! Nihil est quod discere velis, quod ille docere non potest. Mibi certe, quoties aliquid abditum quero, ille thesaurus est.* Plin. Epist. 1. 22.

In order to add to the utility of the Commentaries, as a book of general reference, the Editor has annexed such exceptions and particular instances as he thought would render the information still fuller and more complete. Where he has presumed to question any of the learned Commentator's doctrines, he has assigned his reasons for his doubt or dissent; but where he has discovered any inaccuracy arising merely from inadvertence, he has stated it without scruple or ceremony. We should expect more than human excellence, if we imagined that a work, comprizing almost the whole system of English jurisprudence, could be entirely free from mistakes. But it is a matter of great concern to the Profession and to the Public at large, that, in an Author so universally read, so deservedly admired, and in whom such confidence is reposed, every subject should be reviewed with scrupulous and critical precision. It has been,

and it will continue to be, the Editor's peculiar study and ambition to advance this learned performance to as great a degree of accuracy and perfection as his attention and ability can effect; and he will always be grateful for any correction of his own errors, or for any useful remarks which may not have occurred to him in his Examination of the Commentaries.

To prevent any unfounded animadversions, the Editor, or he ought rather perhaps to call himself the Annotator, wishes the purchasers of this Work to be informed, that he holds himself responsible for the utility and accuracy of the Notes in every Edition to which his name is prefixed; but that, with regard to every other circumstance attending the publication, he has no direction or control whatever.

Though the Notes in this Edition have been considerably extended, yet there are some important subjects, which the Author has either entirely omitted, or too concisely touched upon; the Editor is therefore preparing to publish separately such additions as these deficiencies in the Commentaries seem to require.

The professional reader ought to be apprized, that the Editor in the Notes has frequently referred to Annotators and the Authors of Law Treatises in preference to original cases, those learned writers in the places cited having generally collected all the original authorities, which would be too numerous to be introduced into a note to the Commentaries.

EDWARD CHRISTIAN.

LINCOLN'S INN,
2 March 1, 1809.

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