LECTURES ON FOREST LAW

PART I.

ELEMENTARY NOTIONS OF THE CIVIL (PRIVATE) LAW.
THE LAW OF PERSONS AND THINGS.

LECTURE I.

INTRODUCTORY.

THE STUDY OF LAW IN RELATION TO FOREST EDUCATION.

On commencing this course of lectures, it will be desirable to offer some introductory remarks, explaining how the subject of law which we are now to deal with, stands in relation to the general study of "Forestry." Hitherto you have been regarding forest-lands in the light both of a natural feature in the organization of the earth's surface, and in that of an agency for the production of a certain class of materials. You have considered that forests are a necessity for the physical well-being of most countries, almost as much as rivers, mountains, and seas, or any other natural features, are. You have also considered that Forests constitute a storehouse, or rather a growing stock, of materials which are practically indispensable to human welfare, and [redacted]nd for which no complete substitute can be found. The [redacted] products are timber for building and wood for industries and for fuel; the *minor* (or accessory) products are of many kinds, gums, resins, pitch, wood-oil, bark, dye-stuffs, tans and fibres, leaves, moss, and sometimes the dead leaves and humus. You have also considered that from the point of view of this

direct utility, it is necessary to preserve, manage properly, and cultivate, forests; for otherwise they will—perhaps in a long time, but surely—deteriorate and cease to be of use; or at any rate will become of much less use, being inferior and degraded in their produce. It has also been an important branch of your study to observe how you can vary the treatment of forests so as to develop the production of the sort of material you want; or in other words, so as best to attain to different objects which the public interest may demand. You have also learned something of the "economy" of forest management,—noting how the forest is a peculiar kind of producing-agency; it differs for instance from an orchard, which, though consisting of a number of trees, is yet destined only to yield fruit gathered from the branches year by year: it differs from a field of wheat or turnips where the entire area is stocked at once by a single operation, and the produce realized over the whole area at once, also by a single operation. A forest as it stands growing, is a permanent source of profit, and has to be regarded as a "stock" or capital, to be maintained, and indeed increased and improved, and to be handed on from one generation to another, while only its annual increase—the interest or profit of the capital—is utilized. But when you look on the portions of a country devoted to "Forest," in whatever form or fashion, and note that large returns are obtained either of useful material or in money, you are led naturally to remember that whatever areas are capable of *yielding value*, are sure to be appropriated, and more or less jealously guarded, by *some* one—either by individuals or by the State itself. They cease to be regarded as the air or open sea,—as merely natural objects free to the world at largo; they become "Estates" or *pieces of property* of a certain kind.

Forests as property or estates.

There are still, in some parts of the world, enormous areas where forests have not yet become "property." The vast forests of Central Africa, may contain what would, if it were in India or in Germany, be untold wealth; where it is, this great stock of material is of no present use to any one. And if any tribes are found on the borders of such a forest tract, every one

will probably be at liberty to appropriate it, or clear and cultivate as his own, any bit of land he likes.

A similar state of things has existed in most countries in the distant past; but it gradually ceased, only leaving behind it a sort of lingering feeling in the minds of the ignorant—still experienced, by the way—that forests are somehow free to any one to do what he likes in or with. But as society now exists, in every civilized, fully populated, and well-governed country, nearly the whole surface of the land is of *some* value, and has accordingly been "appropriated," either by individuals, or bodies, or by the Crown, or by the public regarded as a corporate or united owner. Even where there are large areas of barren waste, moor, or marsh-land, and these, perhaps, are neither enclosed nor put to any definite use, still, they are no longer regarded as "no man's goods," to be seized and held by the first comer at will; they are recognized as the "property" of the Crown, the State, or the nation; and can only be dealt with in a specified way—a way which in time becomes prescribed by law. In India, for example, British rule commenced (A.D. 1765—1772) in Bengal, and it is said that in those days as much as one-half of this now populous province was covered with jungle, uncultivated and unappropriated. At first, for some years, the Government took no notice of the waste which adjoined already occupied estates: people seized on it, and encroached, and settled on it as they pleased. As late as the year 1819, the law still took no notice of the *right of property* over such waste; only then it began to think of making the new occupiers pay the contribution to the State called land-revenue: and it was not till 1828 that the law (by Regulation III., still unrepealed) declared (what had always been the law or custom), *viz.*, that "waste" land was Government property, and could not be seized upon at pleasure. Gradually the Government realized the value of its waste lands; and "rules" began to be made for their disposal, by lease or sale to intending cultivators. But still a long time elapsed before the Government of India conceived the idea of definitely setting apart large areas of such land to form village and public or State forests.

In older nationalities, the surface of the country became much earlier appropriated, and is now completely divided up into

"properties." At the present day the area of any civilized State may be likened to a chess-board, on which the different squares represent so many "pieces of property." Indeed, if you took a large scale map (such as we call a *cadastral* map) of any European district, and coloured separately each "estate" or piece of property according to its nature, or the kind of owner it had, you would find that the whole map would present a patchwork of many colours; here a block of private agricultural land, next a moor appropriated to the Crown; next an estate belonging to a university, a school, or a hospital; next an estate belonging to a commune, or to an association of some kind, next a churchyard or a cemetery, also regarded as a property, though not of any individual. Next there might be a forest belonging to some great land owner; next a smaller wood belonging to a private owner, and indicating his circumstances by the fact that it is only a coppice wood or worked by some form of "petite culture;" lastly, perhaps in a less populous part, along a great mountain range, there will be a vast tract of timber forest held by the State. Hence we are able to consider forests in a new light; we regard them as *pieces of property*, as "estates" of a peculiar kind, and (as we shall see later on) having special characteristics.

This is not only a matter of words: it is an important and most practical conception. Failure to grasp it in our colonies, and in other countries too, has been the cause why so little progress has been made in putting forest conservancy on a rational basis. For if you realize the idea of a forest estate to be cared for as a piece of property and protected by law, you will also acknowledge that a "piece of property," if it is to be either managed or protected, must be defined as to its limits, and all questions of right and obligation arising within those limits must be settled.[1] If that is not done, the forest is still

[1] No practical conservancy of forests, such as the economic conditions of an entire country demands, can ever be effected without the definite constitution of compact public estates, large enough to be thoroughly manageable with reference to all sorts of economic conditions—production of timber and provision for grazing and other useful rights of user. It is sometimes supposed that the wholesale destruction or cutting away, by lumbermen, of the natural forest, can be sufficiently compensated for by encouraging the plantation of individual trees, or of small groves or woods (on such odd bits of land as ordinary farmers can spare for the purpose) all over the State or country. Even if the future of such plantations could be for ever insured, the utmost result obtainable would be the greater amenity or pleasantness of the locality. Nothing would be done economically for the *national timber supply*; because the trees at best are so scat

in a fluid, uncrystallized state; it hardly deserves to be called "property," and in consequence any real conservancy will be unattainable. And it will at once occur to you, that if forest and other estates are to be recognized as *pieces of property* in the above sense, the recognition can only be made practical and operative by some action on the part of the national legislature or central authority, whereby, the State, the person, or body (as the case may be), who has become the owner, is protected in his enjoyment within certain local limits, and other persons are prevented from wrongful interference. Law is the declaration of the nation (through its sovereign, its constituted parliament, or other legislative authority) that certain things are, or are not, to be done; and this declaration is enforced—to put it very broadly—by the public authority making things unpleasant for the party who disobeys or fails to acknowledge the rights and obligations declared. The provision of the disagreeable consequence, whatever it is, whether to pay damages, or suffer imprisonment, or pay a fine, is what gives effect to the law, and is called its "*sanction*;" or, to put the whole matter in other words, law declares or recognises, that some persons have the *right* to appropriate things or become their owner; and other persons have the corresponding *obligation* to respect the right and to abstain from acts of interference, the law threatening some remedy, or some punishment, in case of disobedience.

We have then to study law as creating or recognising *rights* and *obligations*; and as constituting *property* by declaring certain rights to exist in a person (called the owner), and possibly also other rights, existing in favour of other persons, not being ownership rights. In each case the law enforces the declaration by imposing penalties or liabilities on persons infringing its terms.

Now Forest officers are the managers and controllers of forest estates; and as such they enter into various relations with the public, and with individuals. They require to know something of the principles on which the right of property is based, and about rights of user; something about their own legal

tered, that in endeavouring to realise any considerable amount of wood, it would be necessary to glean single trees over an enormous extent of country; and this would be very costly. This, however, is only *one* of the objections, by way of illustration.

duties and their position as public officers; and something about the principles which regulate their contract relations with workmen, buyers of forest produce, and others. We have to keep our study, however, within the narrowest limits possible, because forest officers are not lawyers: a knowledge of law is not their primary requisite, but only a secondary or subsidiary one.

The basis of law.

In law, as in every other science or art, we begin with certain very simple and elementary conceptions. Science is, after all, only common knowledge systematized and arranged. It always starts from the simplest facts of observation and experience, and places those facts in a right relation one to the other; it then proceeds from simple to more complex relations; and gradually we are able to advance to the connection of whole sets of such relations to other whole sets. So it is in law. We commence accordingly with a very simple and obvious fact. The world around us—that with which our bodily life is directly concerned—obviously consists of two broad classes of constituent objects, the PERSONS or human beings in it; and the THINGS in it—the soil, trees, and articles generally, whether artificially made or natural, and whether they are fixed or can be moved from hand to hand. Animals are regarded as *things*, because they have not the characteristics of persons, *i.e.* (as we shall afterwards see), they do not possess rights, except in a secondary sense, as when we prohibit cruelty to animals by law. And then the *persons* stand in some relation to the *things:* for the soil and other objects are mostly of use; some of them are absolutely necessary to human livelihood. Consequently, at an early stage, some form of *appropriation* of things or different parts of things, began to be recognised.

How this idea of appropriation and ownership grew up and advanced to its modern form, we do not now enquire; that is a matter for the historical jurist to trace out; and a very interesting study it is: but we cannot concern ourselves with it here. It may be permitted to remark, however, that the idea of individual permanent appropriation is one that only has slowly grown into its modern form. The idea is at first most readily

accepted with regard to moveable articles, especially those which are made by the exercise of individual skill, labour, and thought. In early historic or pre-historic times, a tree in a forest was probably regarded as no more the subject of property than the air or the sea; but if a man cut a bit of wood and fashioned it into a cup or a platter, it soon came to be felt that he had some particular claim to the finished article, which his fellows had not. And in the course of time, the same thing would happen when bits of land were laboriously cleared or made into fields. So it has come to pass that as the relations of men widened and the wants of more civilized life increased, nearly everything that, by nature, is capable of appropriation, has been appropriated; and in our own times it is looked on as quite a natural condition—a matter of course—that "everything should have an owner."

But how is this sentiment that one person has a special claim to any object, or to a piece of land, given effect to? In the course of time there is always some king or council of elders, or other central authority, which, at first fitfully and perhaps tyrannically, but afterwards in a more regular way, gives effect to or enforces the general sentiment. In the end, rights of property become formally established and enforced by the power of the State. To put it shortly, the way in which the central authority gives effect to the sentiment of ownership, is (as already stated) by acknowledging that the person we will now call owner, has a *right* to the thing he owns, which others have not: and if one has a *right*, some others or all others (as the case may require) have a corresponding *duty* or *obligation* not to interfere with that right.

But it is not only in the case of *persons* and the *things* around them, that this question of *right* on one side and *obligation* on the other, arises. For "persons," at any rate where they live in a tolerably civilized society and form a nation, also stand in some definite relation to one another, and to the whole body. In the first place, a person has certain *rights* in virtue of his mere being and birth. He is recognized as having a right to his personal freedom, and to safety from being killed and robbed and injured; he has a right to his good name and character; and to a certain station in life, as a citizen, a prince, a peer of

the realm, etc. A corresponding *obligation* lies on all other persons, not to infringe the right. Again, as a citizen or member of the State, he has both *obligations* and *rights* as well; he has a *right* to call the public authority to his help if he is wronged: he has a *right* (however regulated by law) to a vote concerning the representation of his town, county, etc., in the different legislative assemblies or Local Government Boards; he is *obliged* to pay taxes, and to do various things required for the general convenience. He is required to abstain from various acts that threaten or destroy public peace and security, and if he fails in this respect, the law will *punish* him, as an offender against the community at large.

Then again, persons stand in a *natural* relation to each other in the family, as parent and child, husband and wife; guardian and ward: and here other rights and obligations arise. And lastly, a vast variety of relations between persons, do not exist naturally, but are called into existence *by some voluntary act* on the part of either of them; and here again the result of such action is to create a right on one side, and an obligation on the other. Very often, too, the occurrence of some *involuntary event*, or some *wrong-doing* on either side, gives rise to rights on one side and obligations on the other.

You will observe that not only is there always an obligation corresponding to a right (for you cannot have a *right* without someone also being *obliged* to respect it); but also these rights and obligations are (when they arise out of human dealings) in many cases *reciprocal*, *i.e.*, not only does one person have a right and the other an obligation, but *vice versâ*, the person who has the obligation has also a right. If A. enters into an agreement with B. that B. shall take £1 and make a box for A.; A. has the *right* to B.'s services in making the box, and also to the box itself when finished; and B. has the *obligation* to make the box and hand it over; but then again B. has the reciprocal *right* to get his £1 and A. has the *obligation* to pay it.

According to the fact just stated, that *persons* may have rights (and bear obligations) in various capacities, *i.e.*, in themselves as human beings; as men in a certain State or community; as citizens of a certain country, and subjects of a certain Government; in their family relations, and also as brought into

voluntary (or involuntary) relations with other persons; we have a natural and convenient standpoint from which to regard the *laws* which create, define, and enforce these rights and obligations. Rights and obligations, and the laws that create or define them, may be regarded (1) as concerning "persons" in the aggregate, *i.e.*, as concerning the whole community as represented by the Government or the State. Thus there are laws which define the constitution of the central and subordinate Governments, regulate the appointment and the duties, powers, and privileges of the Crown and of the Ministers of State, and of Parliaments and State departments (in England, Secretaries of State and Government boards or councils). Under this head we therefore speak of *constitutional* rights, and of *constitutional* law, as regulating these matters.[1]

(2) Next, the law creates rights and obligations which we can distinguish as attaching to the individual persons (who are the subjects of the State), in their *public* relations, that is, in their individual relation to the collective body, and its representative—which is the State or the Government in whatever form it exists. And here we speak of *public rights and duties*, and of *public law*. Such are laws (and obligations enforced by them) concerning the payment of taxes, tolls, and customs duties: criminal law and procedure: laws regulating the procedure of Courts for enforcing the (civil) law of private rights: laws regulating postal, telegraphic, and other communications; regarding railways, canals, &c.: laws for establishing and protecting State or national forests: laws regulating the public currency in paper and in coin: laws regulating public health, *e.g.*, sanitary laws; laws regarding prisons, lunatic asylums, &c.

(3) Lastly, there is a vast body of rights and obligations existing between private persons as such, with which the State, or other people generally, have no direct concern. Such rights arise (*a*) out of *natural relationship*—as between parent and child, husband and wife, &c.; (*b*) out of *agreements*, viz., all forms of contract; (*c*) out of acts which give rise to claims for compensation, *i.e.*, wrongful acts, which are called "torts" or *private*

[1] Including, also, the relations of colonies to the mother country: the declaring of war or peace, control of the army and navy, and the law of succession to the throne and to other State offices.

wrongs (as distinct from crimes, misdemeanours, or offences which are *public* wrongs), and (*d*) out of certain circumstances or involuntary acts or events, which give rise to special rights and obligations. Laws dealing with this class of rights and obligations are often classed under the head of "*private* (civil) law."

This three-fold distinction of constitutional law, public law, and private law, is obvious; but it cannot be carried too far, nor can it be made the basis of our classification throughout. It is obvious that these relations of life—private and public—often intermingle and cross each other. When the State, for instance, for various reasons, undertakes the management of forests, and does so in virtue of its being the owner, it has many rights and duties of a proprietor which are governed by the same laws as those which affect private proprietors. Forest officers as such, may be subject to public law as regards their duty, but may also be subject to the rules of private law, as regards sales of forest produce, and contracts they make for works, or acts they may perform in excess of their duty. This crossing or intermingling of relations would give rise to confusion. In order therefore to have a greater facility for study, we proceed to classify *rights and obligations* in another way.

But before we proceed to consider this scheme of classification, let us pause a moment to answer the question—to what extent are we to carry our study of the law? However classified, the entire series of "rights" and "obligations" arising in one way or another, is a very large one; and it is desirable to be reassured at the outset, and not to start with the feeling that we are going to commit ourselves to a wide sea which has no shores. Let us at once be satisfied that our survey of law will be an extremely limited one. There are however several ways in which we might effect a limitation; and these ways are not all equally desirable. I might for instance, start with special enactments (or the unwritten laws, as explained in text books), which relate directly to Forests; and I might simply read out and comment on, those provisions, saying nothing about general principles. This course would however soon prove to be both difficult and unprofitable. And at best it could be followed only with the result of obtaining a very empirical knowledge and one which would be difficult to retain in the memory, and

still more difficult to enlarge or apply properly, as occasion hereafter might require. It has been said, "he knows not the law who knows not the reason (or underlying principle) of the law." Therefore it is desirable to lay a certain foundation, and to understand the general framework—the main ideas on which the specific laws we are concerned with, rest. Only I shall try and make this *general study of principles* as simple as possible and confined to what directly leads up to the forest law and concerns it.

A forest officer approaching the study of law, is in the position of a person entering a library, the books of which are all devoted to one large subject, and which are arranged in shelves—each shelf belonging to a special branch of the whole. Practically, he is concerned only with certain shelves, and, indeed, only with certain books in the shelf; but there are obvious advantages to be gained from understanding what the whole library consists of, and how its shelves or divisions are arranged.

In the first place, I must observe that we at once discard from our consideration a large body of law which goes beyond the individual and the public of any one nation or State, and deals with the relations of nation to nation. This is called International Law; it is both "public" and "private."

Public International Law deals with the questions of war and neutrality, the laws of capture, of contraband of war, &c.; here it is a question of right between one nation as a whole and another. Private International Law deals with questions which arise out of individual rights in one country, in their relation to the law of another country. A very common instance, is the question of the effect in England of a judgment of a Court (say) of France or Germany.

We also pass over the entire body of law, concerned with the *Constitution*, the Crown, and the Government of the country, its Parliament, and law of election and representation. Of *Public* law, also, we shall have very little to say, except as regards two branches—(1) the Forest law, (2) the Criminal law, or law preventing and punishing acts of individuals, when those acts concern the security of the public. For the rest, the laws of taxation, of health, of inland revenue, and regarding communications—post-office, railways, and others, will not occupy us. As to the *private law* of persons and things we will speak

presently. Here, however, we can note generally, that our study will exclude all that part of private law which relates to natural relationship, and *status* in life. Our whole study will, in fact, be limited to (1) certain branches of the private law of persons and things; (2) to a sketch of criminal law and procedure; and (3) (in more detail) the Forest law.

In the continental schools, a somewhat more extended programme is undertaken; and the text books go through the entire scheme of constitutional, public, and private law, of course only touching on the main heads and principles. I have not thought it practicable to attempt so much. I will, however, present you with an outline of the general framework of the (private) law of persons and things: and for this purpose I will first of all give you a table or conspectus (in two parts) which I have abridged and adapted from that given by Dr. Justus Olshausen in his text book for the Eberswalde Forest Academy. It is not expected that you will remember or be able to write out this table as a whole, but it will be available for reference, and will serve as a guide to the order and sequence of the remarks I have to offer.

In order to explain the table, let us revert once more to the question of classifying rights. As a basis of grouping, we make use of the obvious distinction of "persons" and "things," already alluded to (p. 6). All rights and obligations reside in, and attach to, "persons." "Things" are the material (but sometimes the incorporeal) objects around us, and in respect of which, rights exist. And we commence by briefly examining, and trying to lay hold of, certain general ideas concerning (A) the nature of rights and obligations in themselves; (B) concerning rights as they subsist between person and person, or, as the lawyers say, concerning "personal rights;" and (C) lastly, concerning rights to and over things, or, as the lawyers say, concerning "rights *in re*."

CONSPECTUS.

PART I.

(PRELIMINARY LEGAL NOTIONS.)

A. GENERAL IDEAS ABOUT RIGHTS AND OBLIGATIONS.

I. The meaning attached to the term Legal right (ideas involved in "a right.")

II. Rights regarded as the creation of Law.—(Written Law.—Unwritten or "Common" law—Custom.—Characteristics of law.—Extent and binding force of law.—Laws and "executive" orders.—Interpretation of laws.)

III. Rights regarded as arising out of human dealings and acts, and out of events.—(Causes which produce rights or divest persons of them.—Facts are either "Events" or "Acts."—Necessary characteristics of a legal act.—(*a*) Done voluntarily for a purpose.—(*b*) consciously.—(*c*) manifested outwardly.—Remarks on these three characteristics.—Legal acts affected by conditions.—Effect of *events*.—Effect of lapse of time.)

IV. The protection of rights and enforcement of obligations in general.

1. Private force or self-help.
2. Preventive action of law.
3. Remedial action of law.—(*Injunction—specific performance—damages.*)

B. GENERAL IDEAS ABOUT PERSONS.

(*Natural persons—Normal and abnormal persons—Artificial or Juristical persons.*)

C. GENERAL IDEAS ABOUT THINGS.

(*Classification of things—corporeal—incorporeal—moveable—immoveable, &c.*)

Referring to this *conspectus* it is easy to understand that under the heads—A, B, and C, we shall have to consider some general points which we need always to bear in mind, in order to understand almost everything that follows. Having thus gained some elementary conception of what is involved in the terms "right," "person" and "thing," *in general*, we next come to (Part II.), those general legal principles which relate to *particular kinds* of rights and obligations (Private Civil Law).

How are we to classify or arrange these rights and obligations conveniently, according to their kind, so as to be able to examine them? There are several methods of classification recognized; and they are discussed in the standard works on Jurisprudence. I am not going to trouble you with any details, and I therefore adopt without discussion, a classification that will best suit us. This classification of rights (according to their kind) depends on the fact already alluded to, that "*persons*" are the subject of rights; and these persons have (I.) rights arising without any kind of action, dealing, or agreement, on their part, and merely by the fact of their birth or existence—as members of a certain Civil society, or as in a certain condition of life, or as members of a family and having a certain natural relationship to one another. This class is distinguished by the fact that the right comes into being *independently of any action* of the parties. (II.) Rights which arise solely in consequence (*a*) of some dealing, or relation voluntarily entered into, with other persons: or (*b*) arising under certain circumstances. (III.) Rights which exist in connection with "things."

PART II.

GENERAL PRINCIPLES OF THE LAW OF PERSONAL RIGHTS AND OBLIGATIONS. (CIVIL (PRIVATE) LAW.)

I. STATUS RIGHTS, &c.

II. RIGHTS AND OBLIGATIONS OF PERSONS ARISING OUT OF DEALINGS WITH OTHER PERSONS.

(A) The parties concerned.

(The right-holder (*creditor*)—the obligation holder (*debitor*). Cases where there are one or more than one party on either side, *e.g.* principal and surety.)

(B) The substance of the right and obligation.

(Performance—compensation for failure to perform—interest on debt.)

(C) How the right, &c., arises.

1. Out of contract or agreement, (here we consider what a *contract* is: when it is *valid* and when it is *void*.)
2. Out of some relations that *resemble* contract, but there is no *actual* agreement, either express or implied.
3. Out of *wrong-doing* or "tort."

(D) How the obligation, &c., acts or operates.

(Nature of performance, as to extent, mode, time, and place.)

(E) How the obligation, &c., ceases or comes to an end.

III. RIGHTS (OF PERSONS) IN AND OVER THINGS.

(A) Possession.

1. Its legal nature and various kinds.
2. What things are capable of possession.
3. How it may be lost.
4. Legal consequences of possession.

(B) Ownership or right of property.

1. Modes of acquisition
   1. Prescription.
   2. Accession (including rights in game and fisheries.
   3. Forms of transfer.
2. Nature and special features of ownership.
3. Legal restrictions on the right of ownership, (*a*) in general, (*b*) special in Forest estates.

(C) Rights enjoyed by one party on or over the property of another.

1. General nature of such rights.
2. Mortgage—Pre-emption and other special rights.
3. Rights of *user*—"easements" or "servitudes"—including *usufruct*.

I have explained that it is not my intention to include class I. in our study. Rights of persons as *citizens* (right to freedom of person, to protection, to vote, &c. &c.) and *family rights*, as father of a family, husband of a wife, guardian of a ward, &c., we shall pass over. We shall confine ourselves to heads II. and III. These it will be observed, have a *feature common to both*, on which account the German writers call them collectively, "*vermögens-rechte*"—a term for which I wish I could find a neat English equivalent.[1] I can only explain the common feature by saying that these rights are all concerned with some benefits, interests or advantages which the law recognizes and enforces, as constituting or contributing to a man's *means* of *livelihood*: or which go to enable him to live or carry on his worldly existence in comfort, in his natural station, occupation or position.

I think this general scheme—or abstract of the contents of some of the shelves in our imaginary law library—will be at once intelligible to you. The remarks which follow, will deal *seriatim* with so many of the headings as it is desirable to comment on; others will be passed over with hardly any notice. For example, in the case of rights arising out of *contract* and *tort* II. (C. 1, 2, 3,) which would occupy a long course of lectures and require detailed study for the barrister or solicitor, we shall only briefly deal with general outlines. But head III. (A. B. C.) on the other hand, so directly concerns the basis of the special Forest law, that we shall have to consider more carefully a number of points coming under each of the sub-heads.

The group of subjects represented by the headings of the Conspectus (Part I. and Part II.) will constitute the whole of our study of the *General principles of the Civil (Private) Law*. We shall then proceed to deal with the general features of *Criminal Law and Criminal Procedure*. The remaining part of our course will consist of lectures on *Forest Law—i.e.* on the special treatment of Forest property (and rights concerning it) as provided by law: on the legal protection of forests, by means of the special Forest Acts and also the general Criminal Law; and (finally) on the Forest Service, regarded as the subject of legal regulation.

[1] In the dictionary "Vermögen" means ability, faculty, &c., and in the phrase above, it refers to the whole of the "means" or "facilities" which a man possesses for continuing his daily life and occupation.