

Property Equity & Trusts

STUDENT NAME:

PART A (SOULTION : 2142 words)

legacies of British slave ownership have influenced your understanding of the concept of property

Slavery is almost unnoticed in British history. It was first used by slave owners themselves but has since been replaced by euphemism and avoidance methods that have become widespread in British culture. ***The Oxford English Classic (ODNB)***, the national Valhalla, is a pantheon of a much broader range of people who are considered to have contributed to the modern United Kingdom (unlike Westminster Abbey, for example), as well as a few heroes, including hundreds of British people who were enslaved or whose families owned enslaved people. Slave owners are few and far between. The majority of a relevant entries begin to facilitate (consciously or unconsciously) the early 19th-century tactic of avoiding the word "**slave owner.**"

For example, according to the ODNB, lawyer Fortunatus Dwaris, who was born in 1786, "acquired a substantial wealth" in Jamaica. By ODNB. Merchants of the West Indies'; again, the corporation controlled men and women as well as plantations. Thomson Hankey, political economist & president of the Bank of England, is reported to have joined his father's company, Thomson Hankey & Company. While ODNB opposes slave ownership, it supports the argument that the "West Indian owner" was a victim both slavery and abolition.

"Jamaica's source of income was practically depleted by the economic distress caused by storms compounded by the American practises of the government," Anthony Morris Stoller wrote in the 1770s;

"His family has become very poor," St. Vincent Frederick Cesigar (after Grand Bench, who quit the Navy in 1807 to become heir to his father's estate due to the death of his brother George) remarked in 1812 after volcanoes destroyed his estate. ; The family of novelist Ellen Pickering acquired property in the West Indies in the early 1800s, but was obliged to relocate to Hampshire for several years after the end of the slave trade [from Bath] ';

"[St. Vincent] thanks to a income from of the Whitfield sugar plantation...I was able to visit Europe in style," pioneering female journalist Francis de Peironette as well as her French husband Vicomte Jules de Peyronnet said in the early 1830s, but then gradually became angry in the latter half of the decade. This source of revenue has begun to dwindle. **(The Legacies of British Slave-Ownership Project, 2011)**

In this framework, our initiative aims to reinterpret the history of slave ownership in modern Britain. Slave ownership infiltrated the British elite in the early nineteenth century, at ODNB's

pace, and aided in the formation of the elite in the twentieth century. Graham Greene and George Orwell, two of the greatest British writers of the twentieth century, were both descendants of slave-owning families. Slave ownership was openly displayed. Slave owners' names were maintained in a family that included Sir George Gilbert Scott, the architect, and two high court officials, Douglas McGarell Hogg & Quintin McGarell Hogg (Viscount Heilsham). Robert Cooper Lee Bevan, the forerunner of modern Barclays Bank, was a descendant of diplomatic and Slave ownership is still prevalent in British society, as seen by such names.

The term "legacy" is used in three different ways. The first is a direct causal relationship between both the monetary relationship between slave ownership or other forms of slavery as well as the subsequent activities of slave compensation receivers. Second, we may say that slave ownership was founded, but it did not decide or cause the activities or direction of the people who make up the nineteenth century - a much more direct link - the United Kingdom of a century, in a strong sense. Finally, we consider that the acts of the descendants of slave owners in the twentieth century, which continue to establish the United Kingdom in the twenty-first century, were part of the slave owning history. An continued trace of slave ownership is, for example, incorporated in George Orwell's family's notion of the "upper middle class," or "upper middle class without money." Slavery's social and cultural capital survived during Orwell's father's time, driving the family out of the uncertainty of Scotland and keeping its members among the ranks of a British imperial executive class. **(Legacies of British slave-ownership: colonial slavery and the formation of Victorian Britain, 2015)**



We do not assert that slavery's history is like slavery's history. Slave ownership has been used as a lens to evaluate the establishment of the United Kingdom in the decades following its freedom. Slavery returned to the UK solely in the form of slave ownership, and the slave owner would be the only method of contact. One of the legacies of the 19th century is the employment of the terminology of slavery as an antithesis of British freedom by diverse groups of British people, and its meaning is labour, race, gender, and civilization. Our research does not account for the systematic impact from slavery on the UK economy when tropical goods move into consumption in the UK's major cities. It also concentrates on the society of slave owners during the abolition of slavery in the mid-1830s. As a result of a transfer & transfer process of the "slave property" that was deployed before it on August 1, 1834, such slave owners were on the ground (the record date of

compensation). It is frequently the estate's ownership and the lengthy continuity of a enslaved people who work on it. However, there are gaps, and our research does not include slave-owning families from the 17th and 18th centuries who, like Terson, the financier of Huguenots, were able to free themselves from slavery by the 1830s.

We automatically favour the history of slave owners and over history of slaves when we focus on slave owners. We spent time and money studying the history of slave owners. In principle, it's a resource that might have been used to piece together the pieces of enslaved people's lives. This decision was made not because we believe the history of slaves becomes less important than that of the history of slaves, but because we worked on the project as a mid-nineteenth-century historian of British great cities. We have gained a better understanding of not just the need of connecting our work with slave ownership to the oppressed communities in which the system exists, as well as the practical possibilities, during the course of the project. As much as feasible, combine the two histories. It's also apparent that we're not looking for the slave owner to be rehabilitated or celebrated, but rather to highlight the continued existence and significance of slavery in the UK's metropolis in the mid-nineteenth century through the slave owner's and his family's stories. To illuminate the earth after the end of the century and the abolition of slavery. We are attempting to revive the term "slave owner" in British history writing, including ones book, our project, and the title of our online UK slave heritage owners database, in our opinion, for the importance of removing this same layer of insulation between both the modern United Kingdom as well as its historical involvement throughout slavery, and for investments by both the original "planters" and "owners" to resist the term "slave owner." **(The Legacies of British Slave-Ownership Project, 2011)**

After 1833, the West Indies gave up their slave-owning identity and attempted to ensure their place in the Age of Reform's reorganisation of the ruling elite. They declared themselves as modern individuals who were part of the new "free" world, affirming that the new group was not formed by the vestiges of the era of reorganisation who were claiming authority. Between 1828 and 1833, new opposition rights, Catholic liberation, Parliamentary Reform, Irish coercion, slavery abolition, and a new style of administration in India were combined together to bring about such a historic reconciliation between both the country and the empire. A new hegemony was developed as a result of the partnership between the landed nobility and the middle class, which strove to expand the free-handed system that restructure the country. If possible, the government would have agreed at home, but it was dependent on the empire's power and self-governance, which included Ireland. The quick

rise of the mass media in major cities, as well as the gradual replacement of patrons with more meritocratic appointees who have been in place for generations, bolstered public sentiment. Slave owners & their descendants were much more likely to be Tories than Whigs, yet they were part of the elite that brought about these reforms and benefited from them (sometimes). The House of Commons' William Gladstone and Henry Golburn, the expanding colonies' and civil servants' Charles Trevelyan, the Revived Catholic Church's Cardinal Manning, and Captain Frederick Malyat and Charles Kingsley, who made a fortune from the writing, were just a few of the many former slave owners or ones descendants who established themselves as influential men inside the restructured. **(Legacies of British slave-ownership: colonial slavery and the formation of Victorian Britain, 2015)**

Slavery was abolished, and the empire's balance of power shifted. The British West Indies, particularly Jamaica, were formerly seen as crown jewels, but have since come to be seen as problematic and ineffective. The focus has turned to India and the East, as well as the White Village's new colonies. On their route to the Caribbean, the young guys discovered prospects in Australia, New Zealand, Canada, and South Africa. Henry Kingsley abandoned his long-held interest in Barbados in favour of a colonial career in New South Wales. Compensation, or people involved in compensation, has gone on to new initiatives like the Australian Agricultural Company as well as the development of South Australia and British Columbia. The Caribbean was no longer seen as a place to make money, and it was shunned in favour of a more prosperous economy. Slavery is a terrible and forgotten institution, and it is desirable to obliterate it as much as possible from public consciousness.

The reformation of race as hierarchical categories was aided by slave owners and their descendants. They would have to find new explanations for Africans' subordination if enslavement no longer cemented them as inferiors. From the prevalence of racial debate in the mid-nineteenth century and humanitarian rhetoric among abolitionists, historians, novelists, or travel writers visiting West India played an essential part in the transition to a much more rigorous form of the Sub-Glacial Period Theory. They used witness testimony to debate on the veracity of racism's characteristics 27, according to Catherine Hall. They rewrote and freed the history of British involvement for colonial slavery in the process.

-CONCLUSION

We are working on a recent joint effort, in particular continuing tradition of the Transatlantic Slave Trade Database 79, & have chosen to share the database online as a heritage of the UK Slave Ownership Database. However, our data goes beyond the exceptional data gathered for the construction of biographical data in our prosopography by our project. As a result, we combine the digitization effort (which is reinforced by the Claims Register 80 just on parliamentary document list of Slave Compensation Committee awards) with research aimed at capturing personal remnants of life in the UK in the mid-nineteenth century. And the impact of tying those people to organisations, families, & institutions that can still be traced today. We are aware of the possibility for such relationships to be sensitive. While the Legacies of British Slave-Ownership project is unable to offer reparations or recompense, we recognise that our study may have an impact on these conversations. As historians, we feel that our first responsibility to descendants of slave owners, descendants from slave owners, as well as other academic, non-academic members is to convey evidence correctly so that readers may understand it. Understand the many scenarios in which a name can appear on a list of slave reparations beneficiaries, for example. Second, the results must be properly contextualised. The UCL is currently studying the structure and significance of British Caribbean slave holding. The 1763-1833 organization is part on a much more sophisticated integration of accessible slave ownership records and data with slave ownership records and data. (Goeringer, 2016)

This introduction began by pointing out ODNB's distortion. Of course, ODNB isn't a static database. It reflects not just the nineteenth century but also modern editing judgments due to its character. It's a large ship that does a 360-degree turn. The worldview of the original compiler inside the late nineteenth century is not represented now, nor is it represented from today's perspective. However, it reproduces some key versions of a specific object's significance in British culture at every given period, and how ODNB displays that object is indeed a powerful cultural force. We've argued it has the cumulative effect of erasing the memory past slave ownership from national awareness. A recent inclusion to Edward Huggins' ODNB, which includes Arthur Hodge as a well-known example of slavery's harshness, underlines the need to acknowledge slavery. The chore of altering the country's storey cannot wait again for process of one-by-one adding slave owners or revising the "park" of a current item to remove slave ownership. We do not claim that slaves were responsible for the establishment of modern Britain, but we do believe that the formation and Victorian Britain cannot be understood without mentioning those

slaves. This book is an attempt to accelerate the process of (re)writing the history of slave ownership in Britain. (Goeringer, 2016)

PART B

Explain Adverse Possession and the relevance to it of s144 Legal Aid, Sentencing and Punishment of Offenders Act 2012.

SOLUTION: (Word Counts 2065)

Introduction

1. A new offence of illegal occupation inside the construction of the house would be created under Section 144 of a Legal Aid, Sentencing & Criminal Punishment Act 2012.

This rule applies to the whole of England and Wales. The scene is set for a full-fledged crime.

Appendix A is a list of references.

2. Crime was created in response to societal concern about its negative effects.

An invader could be the source of the problem. The owner and legitimate occupants of all sorts of houses are protected by crime. This includes tenants who may have been evicted from their home due to an intruder. It also shields landlords, second homeowners, and residents from authorities who discover an intruder in their home.

They own or administer the property even though no one resided there at the time.

The invader had taken up residence in the structure.

3. This circular's objective is to describe the elements of crime.

The link between such a crime and other trespass-related offences encourages police and local authorities to work together.

When it comes to committing crime, a homeless service provider comes in handy.

4. This circular is intended for informational reasons only and must not be construed as a legal document.

Legal assistance is available. Prosecutors will be given instructions on the new offences.

The CPS's website has it. The CPS is in charge of counselling the police in criminal cases. Other operational guidance should be sought from the police's own legal counsel.

5. From September 1, 2012, the violation will be in force. **(YOUNG, 2019)**

Crime elements - proving points

6. The components of the infraction are listed in section 144, subsection (1). NS

When an intruder has entered a house and is present, such as when he should know or knows that he is an invader, and has occupied or intended to occupy a building, crimes are committed.

7. A individual can only commit a crime if he enters and remains there.

an intruder in a residence This means that no crime occurs.

Persons who enter with the authorization of the accommodation owner, such as a lawful tenant, are covered. Even for legal tenants, this is true. After that, we'll either postpone paying the rent or not rent at all. For the purposes of this offence, such a person is not an intruder.

Property owners were expected to pursue established foreclosures in a county court (or in the event of a high court) in order to reclaim title of their property in such circumstances.

Squatting in a residential building was made illegal under **Section 144(1)** of the Law on Legal Aid, Criminal Justice, and Punishment (LASPOA 2012). coming into effect

There will be no special tax for people who already are squatting on September 1, 2012. On September 2, 2012, the first person was arrested, convicted, & sentenced to 12 weeks in prison. a prison 247 in the Metropolitan Police District until September 1st, 2013. They were apprehended, with 112 being accused, 101 being convicted, and 22 being imprisoned. whether this step was indeed necessary to increase homeowners' protection

When confronted with a tenacious squatter 3 All persuadable politicians backed it up.

Importantly, it does not make sneezing in all homes illegal, and it makes no mention of trespassing. For use in commercial or agricultural settings. As a result, people do not commit crimes. When they enter the premises, who is the licensee or tenant? That is all there is to it.

This only applies to trespassing into "houses" (for example, apartments). the building's curtains); and whether or not the person "lives" in the building.

"I am always available." In other words, just because you're in a residential area doesn't indicate you're committing a crime, and it can't be used as proof.

Squatting was a "criminal," and presumably as a result of its unplanned approach, it was also a "criminal." Even if there is a committee, LASPOA 2012, where crime began, will not tell us how. The law of adverse possession connects with this offence. when a person is caught in the act of committing a crime (**McHardy, 2021**)

Is this a crime since it prevents them from acquiring the title through a disadvantageous possession and assuming all the others? Is there proof of a claim of ownership? This was a case of Best vs. Chee Fland. The Judiciary's Registrar and Secretary of State. Best owned a house that had been destroyed in the year 2000, and it was registered as an owner in November 2012 under the Schedule 6 programme.

2002 Land Registration Act This necessitates the owner's ten years of unfavourable ownership immediately preceding the application for registration.

Existing registered owners have a two-year window to leave Owner unless one of three exclusions occurs.

There is no automated retrieval for Unless the petitioner achieves all conditions for success (including the fulfilment of a complete 12-year adverse ownership period under the 1980 Restrictions Act) prior to the entrance into force of the 2002 Act, the current title will take

effect. But, the Director of a Land Registry cancelled the application, claiming that the best had never succeeded until Schedule 6 was triggered.

Criminal conduct could not be used to gain the title. This is based on a one-of-a-kind analysis of the influence of the land registry on LASPOA2012's statute of unfavourable ownership. It was announced immediately after LASPOA2012 went into effect.

In this situation, the only option was to seek judicial court decision to dismiss the Registrar's application. As a result, the issue was brought before Administrative Court Judge Ouseley.

The Registrar's gutsy choice to nail colour to the mast by arguing that "illegal squatting" under LASPOA 2012 inevitably barred the acquisition of title through unfavourable possession was bold. To begin with, LASPOA 2012 is absolutely mute on the subject.

There is no sign that the issue was explored even when a relatively minor offence was introduced. The House of Representatives squats on houses rather than deal with the repercussions. At the very least, the Land Registry Director may have considered the omission critical, and so committed a safety mistake by keeping the status quo rather than making a hasty judgement after the naked moon.

There has been a crime committed. Second, the Registrar may have evaluated whether the "complete & carefully balanced legal answer" to title claims 10 was "comprehensive and carefully balanced."

It was designed to be impeded by crosswinds, based on the disadvantageous possession found in LRA 2002, especially considering the Congress' silence. Third, and probably most interestingly, how did a land registration chief learn that Vest had broken the law? As I previously stated, the presumption that the crime must've been committed by the vest, rather than simply by being present in the premises, goes against common law principles. A person convicted of "criminal squatting" is later found guilty of: There is no basis for the registrar to regard the application as if it had committed such a crime in LASPOA 2012 or elsewhere. As a result, Ouseley J found that the costs for suspected offences under LASPOA 2012 did not prevent the petitioner from establishing ownership through unfavourable possession in principle. As a result, Best can continue Schedule Under 6LRA 2002, but considering that this case has been made public, it appears likely that there will be enough opposition to the registration that it will be denied at some point.

R(Smith)v LandRegistry established the registrar's status. Judge Peering's decision to serve on the Supreme Court. Illegal acts were indicted in this case (interference).

The claim of adverse possession of the highway could not be upheld. Ouseley J felt compelled to do so. The Court of Appeal for many reasons (that is, the highway was nearly impossible to possess unfavourable - R (at the application of Smith) v Land Registration 12), and that indicated that there was the power of a compelling (but unbinding) House of Peers, some

The offence had no bearing on the creation of ownership in this case. As a result, houses decided on the offence of driving in *Bakewell Land Management Ltd v Brandwood*.

Under Section 193(4) of the Property Act of 1925, the entire commons reported the very act of prosecution as the basis for normative claims. As a result, Osley J was aware that he couldn't leave Smith unless there was a strong reason (at first), but he shared that viewpoint.

There was a solid rationale for it. In other words, if there is no evidence in the materials that led to the creation of LASPOA 2012 or s.144, it will be summarised as a matter of principle. There was, of course, "a general & fundamental principle of public policy that even a person should not be permitted to utilise his unlawful activities to generate the right of a court to exercise its effect" . However, this is not a "absolute rule." **(YOUNG, 2019)**

We shall not, in principle, submit to any circumstance.

This is merely a starting point, not necessarily a final destination. "Indeed, unlawful conduct (trespassing) can, by nature, support a claim of ownership in the context of unfavourable possession, and many cases of unfavourable possession begin without acts (intrusions and intrusions) that obviously violate criminal law.

It may have happened in *Lambeth LBC against Black Burn 16*). The dispute was whether LAPSQA 2012 was meant to amend the common law idea of "adverse possession" by excluding acts that establish a new crime from the scope of doctrine while tort and other criminal crimes remained. Ouseley J was unable to persuade you the LAPSQA 2012 was the cause of this consequence. notably for the sake of the general public's interest

It is obvious that the invaders will be able to obtain ownership by unfriendly possession and seek for registration as owner of the registered land in a shorter period of time.

On a doctrine level, Osley J's reasoning for supporting *Beykhuil* over Smith (first) appears to be correct. The Smith ratio in the Court of Appeal is insufficient to take ownership of the public road and is a matter of illegality (or lack thereof).

Otherwise, the owner's actions had no bearing on the outcome. HHJ Pelling did not benefit from the whole debate offered in Ouseley J at the outset, and a different legislation was in

effect. Osley J, on the other hand, has clearly presented a more fundamental argument to Smith's initial court decision. "I believe the issue is more complex than applying a single core premise of public policy. I don't believe it is straightforward.

If the possession is illegal, the notion that adverse possession cannot exist is correct. It disregards the public interest in order to oppose, and, in my opinion, it misses the point of Beykweil, a far more powerful authority. In fact, Bakwell demonstrates how criminal illegality does not preclude a claim of ownership. As a result, if the relevant act (illegal occupancy) is only illegal due to a lack of the right to which the relevant act is to be proven, it may be subject to public policy review. Formally, Congress "must have reasoned that criminalising trespassing would have no effect on the operation of disadvantageous ownership of both registered and unregistered land."

After all, the goal of LAPSOA 2012 would be to give a speedy solution for landowners who were dealing with a persistent squatter. It had no effect on the established notion of the Law of Property in and of itself. Best reminds us, on a more general level, that the use of *ex turpi causamaxim* is context-dependent. It isn't a novel concept in real estate. Bakwell and Tinsley v Milligan is still worth mentioning. Furthermore, Best recognises the value of the policy in admitting some claims against the title based on: adverse possession; a value so strong that it necessitates explicit parliamentary authority first before LRA 2002's nuanced compromise becomes unbalanced. LAPSOA 2012 may, of course, be altered to secure a conviction, or the possibility of a conviction. Given that there is an attempt to limit claims against disadvantageous possession and include commercial facilities inside its scope, the conviction cannot overlook this possibility. Stand, Best, on the other hand, resolves the uncertainty created by LAPSOA 2012 and will undoubtedly be met with joy and rage in equal measure. The reaction of the Land Registry is unknown.

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