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THE  
CONVEYANCE OF ESTATES  
IN FEE BY DEED

BEING A STATEMENT OF THE PRINCIPLES OF LAW  
INVOLVED IN THE DRAFTING AND INTERPRETATION  
OF DEEDS OF CONVEYANCE AND IN THE  
EXAMINATION OF TITLE TO  
REAL PROPERTY

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BY  
JAMES H. BREWSTER

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## PREFACE.

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THE purpose of the writer has been to state the principles of law applicable to the transfer of the title to real property by deed, in such manner as to assist one in drafting and interpreting the instrument of transfer.

No one whose attention has been directed to the questions that have arisen, and that are likely to arise, in the construction of deeds of conveyance is apt to fail in properly drawing a deed; he encounters serious practical difficulties, however, when, in the examination of title, it becomes necessary for him to construe instruments that have been prepared by others unaware of these questions.

In the following pages a general view of the deed is first given; its several parts are then considered in the order in which they follow one another in the form that may be used in any state. After the delivery of the formally completed instrument is discussed, certain restrictions on the general freedom of alienation are considered. While the recording of conveyances has not been made especially a subject of discussion, it has been necessarily referred to at many points, and a chapter is given up to suggestions as to the examination of title and one to the registration of title under the so called "Torrens System."

Statutes—practically so important—have been referred to on most points, and often states in which legislation is of similar import have been grouped; but the statutes are

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so numerous and so varied that it has been found impracticable to cite all of them, although the several types have been compared and the effects of legislation on common law rules have been pointed out.

From the great number of decisions an attempt has been made to select those—chiefly from among the more recent—that best illustrate particular topics and indicate modern tendencies. Some preference has been given to those reported in the valuable series of annotated reports known as the American Decisions, American Reports, American State Reports and Lawyers' Reports Annotated; and the most useful notes found in these volumes have been cited. The writer here acknowledges his obligations to the annotators.

Those most familiar with this important part of the law of real property will most readily conceive the difficulties involved in treating it within the compass of a single volume.

J. H. B.

*University of Michigan,  
Ann Arbor, March, 1904.*