

Occupancy, or the taking possession of what before belonged to no one, was the foundation, as Blackstone observes, of holding those things in severalty, which, by the law of nature, unqualified by that of society, were common to all mankind. This right of occupancy as far as it concerns real property, hath been confined by the laws of England to a single instance, viz. where a man was a tenant for another's life, or had an estate granted to himself only, (without mentioning his *heirs*,) for the life of another, and died during the life of such other person, in this case, he, that could first enter upon the land, might lawfully retain the possession, so long, as the person during whose life the grant was made, lived, by right of occupancy. 2 Blackstone's com. 3, 8, 258.

Before the statutes of 32 Hen. 8, C. 1. And 34, and 35, Hen. 8th. C. 5, no lands, except by the custom of particular places, were devisable, and these statutes were confined to fee-simple estates. By the statute of 29th. Car. 2, C. 3, a power is given to devise estates *pur autre vie*, and if there be no devise, they are chargeable in the hands of the heir, as special occupant, as assets by descent, and if no special occupant, such estates shall go to the executors or administrators of the person, who had the estate,

Occupancy;  
its derivati-  
on.