

# Webb v Paternosters Case [1619]

## Evidence

The plaintiff acquired the right and a license to store haystacks on the land of the defendant's predecessor-in-title.

## Problematics

While personal rights cannot be enforced against third parties, it is a quality of proprietary rights. If the parties meet the necessary requirements, these rights are enforceable against the successors-in-title. The proprietary interest defines the nature of the mentioned requirements.

A license is qualified as a personal interest rather than a proprietary one. The successor-in-title did not participate in the initial agreement, so the problem is whether or not the plaintiff can enforce the license they have against the defendant and continue leaving the hay on the land.

## Resolution

The plaintiff stated they possess the land and therefore store the stacks of hay on it, confirming the occupation of the area combined with the license they have. This license concerns both the successors-in-title and the landowner.

This problem can be approached from the standpoint of the fact that licenses are not proprietary. Thus, a license can be enforced equally as a relevant proprietary interest if it eases or equates freehold, thus shadowing it. Therefore, the plaintiff can use the license against the defendant if they can do the same with a proprietary interest.

The court arrived at the conclusion that the right acquired by the plaintiff is equitable to land property rights, as the plaintiff can possess and occupy the territory (Wallis v Harrison). The land is, thus, bound by the property, and the plaintiff can use it against the defendant.

The license is attached to a property right. If the property right is missing, a license cannot be enforced.

# Academic Experts

Need a bit more than getting inspired by our samples?  
Get help from real experts in academic writing.

**REQUEST  
HELP**

**GET A FREE  
QUOTE**