The Law of Things in Nature Law

The Law of Things is that branch of law which deals with the different kinds of property known under a particular legal system, how they are classified, to what rights may be held in regard to them and how such rights are acquired and lost.

Thus under European law there are two main classifications of things, namely:

1. Movable and Immovable Things

2. Corporeal and Incorporeal Things

Movable things include cattle, horses, tables, etc., anything which can be moved from one place to another.

Immovable things are things which cannot be readily moved, like land, houses or any thing firmly attached to soil, land or houses.

Corporeal things are things which have a body and can be touched or handled, like a table, an ox etc.

Incorporeal things are things which do not have a body but nevertheless exist in contemplation of the law, e.g., a right such as a right of way.

The things known to Nature Law consisted of the normal equipment of pleasant life, like such as cattle or land or houses. In other words, both movable things and immovable things are known to Nature Law.

As far as rights to things are concerned, the principal rights known to Nature are:

Ownership, Possession, Mortgague and Mortgage. These rights may be held either in regard to movable or immovable things or incorporeal or incorporeal things.
It would appear that in Native law
The ownership of movable things was a well established
right. A person could own cattle or crops or anything
but when it came to the ownership of immovable
things it is doubtful whether this right had
yet been developed in Native law. The most
important type of property in this respect
of which there is doubt as to the existence
of the right of ownership is land.

In the view of the same land in an Ojibwa
community was owned by the Chief. Thus the
Natives in the land as "Native Land Title in
Blackfoot" states that "the land occupied
by a tribe is regarded theoretically as the
property of the paramount chief; in relation to the
tribe he is a trustee holding it for the people
who occupy and use it in subordination
thereon, or communalistic principles". As Native
Affairs Commission 1935 states "The land was
administered by the Chief through councillors for
the people". Schaffer in his "Land Tenure" says
"the individual must have wherever he is pleased
by the Chief or his own headman."

On the other hand it would appear that
once a piece of land was allotted to an
individual he could not easily be disturbed
in his rights and he could even pass his
right on to his heirs. The individual's
right to land included (i) the right to
possess on it, (ii) the right to plough and (iii)
the right to keep livestock on it. All these
rights were incorporated in the
"Emancipate, but the individual retained..."