

### **3 — Kinds of Legal Rights.**

Various classifications in general are in use. These are based upon differences in the character of the persons of inherence or the persons of incidence, differences in the nature of the demands

made by their holders, differences in the origin of the rights, will be explained here briefly :-

- 1— Public and Private Rights.
- 2— Rights in rem and Rights in personam.
- 3— Real and Personal Rights.
- 4— Proprietary and Personal Rights.
- 5— Antecedent and Remedial Rights.
- 6— Positive and Negative Rights.
- 7— Perfect and Imperfect Rights.

1 — **Public and private rights.** In the real sense, the term 'Public' is most frequently used to describe rights held by the State as contrasted with the private rights held by the individuals. State rights are public because the State holds them as representing the community or public. This distinction is derived from that existing between public and private law already explained.

The term 'public right' may also be used in other senses as well. It is sometimes used to denote those rights which are enjoyed by all persons as such, merely as a consequence of the facts of natural personality and membership of society, such as rights to personal security, to personal freedom, to reputation, and the like. Again, in a different sense, the word 'public' is sometimes given to those rights which concern the government and administration of the country.

But, in all these somewhat differing significations, the word 'public' denotes that which belongs to or concerns the people as a whole in contrast to that which concerns individuals only.

2 — **Rights in rem and rights in personam.** The distinction between a right in rem and a right in personam is based upon a difference in the character of the person against whom the right is available (person of incidence). A right in rem is one which is avail-

able against an indeterminate number of persons, i.e., against all persons indefinitely. Such, for example, are rights of ownership, rights to personal security, and the like. A right **in personam** is available only against a determinate person or persons. The right of a servant to his wages, or of a tenant to possession of the house he has leased, is available only against the master or the lessor, and such rights are therefore **in personam**.

3 — **Real and personal rights** Some rights are enjoyed with res-