

declares, that his patron should have such and such Lands absoq^{ue} aliq^{uo} inde Eddido, yet the Law or established policy of the Kingdom created a Tenure, and his patron should not have it (before the Statute of 12 Car. 2. cap. 24.) had hold of him in capite by Knight-services, Case of Tenures upon the Irish Com. of defect. Tit. 196. 9 Rep. 123. Vid. Bro. Tit. Tenures 3. 52.

In England, there are 1st Tenures by Chivalry, or Knight services or military services. 2^o Socage, 3^o Copy Holds.

Tenure by Chivalry, from the French Chivalier a Knight, is a manner of Holding where by the Tenant is bound to perform some noble or military office to his Lord. The English Lawyers ord^{er} mark divide Chivalry into Royal and Common Chivalry. They mean by Royal Chivalry, a Holding for military Services due to the King only, called forjeanty, forjeanty is either Grand or post. Grand forjeanty is where one holds the Lands for personal service, or service to be done in his own person as bearing the Kings Banner or spear in War, or the like: post forjeanty is that which obligeth the Tenant to render to the King annually some small thing toward his War, as a sword, dagger, Arrow, horse-spur, or the like belonging to war. By common Chivalry, the English Lawyers commonly understand, a Holding for military services due to a common person or subject Lord or superior. Which they call Escuage (in Latin Scutagium) Services of the kind from the French Escu a shield, whereby the Tenant is bound to follow his Lord into the Wars at his own Charge, or to defend his Castle, castleward. But Martin Wright (Introduction to the Law of Tenures Chap. 2) distinguishes the Escuage from Knight service thus. 1^o Escuage was not, as Littleton Intimales (sect. 95. 96) a direct personal service of Attendance upon the King in his wars, nor was it due upon all military occasions as Knight service was, but it was a pecuniary Aid or Contribution required by particular Lords, instead or in lieu of personal service, Bracton Lib. 2. cap. 16. fol. 38. Littleton, sect. 158. Vid. Madd. Hist. of Excheq. 452. to bear the extraordinary Expence of their own Attendance and warfare when and as often as the King should make wars. In which brow Escuage answers the Norman Aide del'ost, Custom de Norm. cap. 44. fol. 66. So that it is not likely in this brow, that Knights service was as the Lord Coke imagines (1 Inst. 69 a) incident to Escuage, or that Escuage was as Mr. Madox supposes (Hist. of Excheq. 432 in Margin) incident to Knight service; Escuage being a special service of a different kind, in respect whereof the Tenant on Account of his subordination to the military policy of the Nation was only esteemed as a Knight or military Tenant. 2^o The Escuage considered as a species of Tenure might be of the nature already suggested, yet it must be allowed, that it was antiently, as well as at this day, more generally understood to denote a Milt or Fine for a military Tenants defect of service, Vid. Madox Ibid. 438. 439. 454. 457. 458. 462.

Escuage is either uncertain or certain. Escuage uncertain (which is properly Escuage) is the being liable to that kind of pecuniary Aid or Contribution as oft as required from the Tenant, so called because of the uncertainty how oft it would be demanded. Escuage certain is when a certain yearly Rent is set upon the Tenant to be paid to his Lord in lieu of service. Again Chivalry is either General or Special. General Chivalry is where the Tenant holds for service Militum in General, without specifying any kind of it. Special Chivalry is where the Tenure declares expressly the particular kind of Knight service.

Tenures in Socage are Holdings by any conditional services, that are not military. The word Socage (Socagium) is derived from Soc a plough share, because by the nature of the service antiently required upon such Tenures, Tenants were to plough the Land of their Lord with their own ploughs, and do other services of Husbandry at their own Charge. And the Tenant was called Socman or Socman. There is now Free or Common Socage, and Base Socage. Free Socage is where the Tenant, in lieu of

Rural services pays to his Lord a certain annual Rent in Money or other yearly Duty. Base Socage, called also villanage or villan Socage (in Latin villanagium) from villanus, a villain is that kind of Tenure, whereby services of Husbandry is due to the Lord of the Fee. The Tenant is called Socman or Base Tenure, or villain. The condition of which villain is now much altered to the better, from what it was in old Times.

~~There is also a kind of Tenure called Socage, which is a manner of Holding where by the Tenant is bound to perform some noble or military office to his Lord. The English Lawyers ord^{er} mark divide Socage into Royal and Common Socage. They mean by Royal Socage, a Holding for military Services due to the King only, called forjeanty, forjeanty is either Grand or post. Grand forjeanty is where one holds the Lands for personal service, or service to be done in his own person as bearing the Kings Banner or spear in War, or the like: post forjeanty is that which obligeth the Tenant to render to the King annually some small thing toward his War, as a sword, dagger, Arrow, horse-spur, or the like belonging to war. By common Socage, the English Lawyers commonly understand, a Holding for military services due to a common person or subject Lord or superior. Which they call Escuage (in Latin Scutagium) Services of the kind from the French Escu a shield, whereby the Tenant is bound to follow his Lord into the Wars at his own Charge, or to defend his Castle, castleward. But Martin Wright (Introduction to the Law of Tenures Chap. 2) distinguishes the Escuage from Knight service thus. 1^o Escuage was not, as Littleton Intimales (sect. 95. 96) a direct personal service of Attendance upon the King in his wars, nor was it due upon all military occasions as Knight service was, but it was a pecuniary Aid or Contribution required by particular Lords, instead or in lieu of personal service, Bracton Lib. 2. cap. 16. fol. 38. Littleton, sect. 158. Vid. Madd. Hist. of Excheq. 452. to bear the extraordinary Expence of their own Attendance and warfare when and as often as the King should make wars. In which brow Escuage answers the Norman Aide del'ost, Custom de Norm. cap. 44. fol. 66. So that it is not likely in this brow, that Knights service was as the Lord Coke imagines (1 Inst. 69 a) incident to Escuage, or that Escuage was as Mr. Madox supposes (Hist. of Excheq. 432 in Margin) incident to Knight service; Escuage being a special service of a different kind, in respect whereof the Tenant on Account of his subordination to the military policy of the Nation was only esteemed as a Knight or military Tenant. 2^o The Escuage considered as a species of Tenure might be of the nature already suggested, yet it must be allowed, that it was antiently, as well as at this day, more generally understood to denote a Milt or Fine for a military Tenants defect of service, Vid. Madox Ibid. 438. 439. 454. 457. 458. 462.~~

Tenures by Knight services were taken away and discharged in the year 1688 and turn'd into Free and Common Socage, 12 Car. 2. cap. 24. What free Socage takes according to the utmost Latitudes of its Signification, is understood to include all other kinds of Tenures.

The English Lawyers divide these Socage Tenures, according to their Duration, or what they call the Quantity of Estate, into Estates in Fee or for Life, for years and a will. Estates in Fee are either Fees Simple or Fees Tail.

Fee Simple (otherwise called Fee absolute) is where a Man hath Lands to hold to him and his heirs general forever, clear of any condition Limitation or Restriction to any particular Heirs.

Fee Tail is a Fee limited and restrained to some particular Heirs, or, heirs of others, which was at common Law known by the Name of a Fee conditional, so called from the condition expressed or implied in the Gift or Constitution of the Fee.

Estates for Life are either conditional or legal. of the first sort are such Estates as are in their creation expressly given or conferred for the Life of the Tenant only: of the second sort are Tenures in Tail after possibility of Issue Extinct, Tenants in Dower, and by the courtesy.

Copyholds (Tenura per copyam rotuli curia) are Tenures for which the Tenants have nothing to show but the copy of the Rolls made by the steward of the Lords Court, on such Tenants being admitted to any parcel of Land or Tenement belonging to the Mannor 4 Rep. 25. A Tenant of such copyhold is called a copyholder, who hath such Right by custom to his Estate as the Lords Land cannot put him out so long as he observes the custom of the Mannor. Vid. concerning the several kinds of Tenures, Appendix, page 164. § 77.