

the land or fee should revert to the Donor.

Estates for life are either Conventional 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 Tenancies In tail after possibility of issue Extinct. Tenancies in Dower, and by the Court of Equity, which are particular Estates, not created or limited by any positive Act or provision of the parties, but by the Disposition and Order of the Customary or Common Law of England. Dower called by Bracton (lib. 2. tit. 29) *trium vel tertias*, and known to the Jurists by several Names (vid. Bottom. de verb. sign. de dotalitium & Morgantia) was probably brought into England by the Normans as a Branch of their Doctrine of Gifts or Conveys. For we find no Foot Steps of Dower in Law, till the time of the Normans, vid. Bacon Hist. of the Engl. Govern. 104. 146. 147. Tenancies by the Court of Equity or *per legem terre*, tho' so called as if they were peculiar to England, Littlet. Sect. 35 were known not only in Scotland but in Ireland and Normandy also. Vid. Custom. de Norm. cap. 119. Coke, Just. 30 a. And the like Law or Custom is to be found Among the Ancient Almain Laws. Vid. L. Almannorum tit. 92. And yet it doth not seem to have been Feudal, Glanv. lib. 1. tit. 15. lib. 2. tit. 13. Nathaniel Bacon calls it a Law of Countess Tenure to that of Dower, and supposes it as Ancient as from the time of the Saxons, vid. Bacon Hist. of the Engl. Govern. 105. 147. But as there are Notices of this Tenure Among the Laws of the Saxons, Mr. Bracton says (lib. 2. tit. 29) seems the most Rational, who is so far from thinking it Feudal, that he deduces the original of it from the Civil Law.

The forfeitures of Estates in fee, tho' they were many by the Feudal and Common Law, are reduced as the Law now stands to forfeitures by Attainders of Treason and Felony, and by Escheat. Estates, and only forfeitable by Attainder, but also Agreeably to the Law of Feudal forfeited by Waste, Vid. Stat. of Gloucest. Cap. 5 and by all such Acts as in the eye of the Law tend to Dissolve or Defeat the Reversion

or Remainder, or in any Manner to pluck the Feignery out of the Lords hands Books, Just. 251. 252. Glanv. lib. 2. cap. 1. p. 66. b. Bracton lib. 2. cap. 35. Sect. 11.

Copyhold (which fall not within my General Division of Tenures, and must be considered as a distinct Species of Tenure) are the Remains of Villenage fitz. N. B. 12. p. 10. Just. 252 and Lord Warulam use of the Law 92. 93. Which Copyhold as a Tenure, was not Entirely Saxon Norman or Feudal, but a Tenure of a Mixed Nature, advanced upon the Saxon bondages, and which gradually suspended it. The Original of it may be hinted thus. The Normans finding a sort of people Among the English who were in a Condition of down right servitude, and employed in the most servile Works, and belonged they their Children and effects to the Lord of the Soils like the Rest of the Stock and Cattle upon it. Goulet's Intro. 59. Lord Warulam Hist. of the Engl. Govern. 56. Brady Gen. Prof. 26. Spelm. Gloss. ad Verb. *Servus*, did enfranchise all ~~people~~ such wretched persons as fell to their share by Admitting them to Fealty in respect of the little livings they had been hitherto allowed to possess, Merely as the servants supporters of their base Conditions, and which they were still to Retain upon the like services as they had in their former servitude been used and Employed in; but this possession as now Pleas'd with Fealty, and by Means thereof advanced (vid. Leg. Will. 1. cap. 29 & 33) Differ'd Very Much from the Ancient Feudal possession, and was from henceforth called Villenage, possibly from the Latin word *Villus*, vid. Cowel & Skinner. The Tenant in the Latin of those times was called *Villanus*, a *Villa* quia in *Villa* habitavit Spelm. Gloss. ad Verb. *Villanus*. Coke; Just. 116 a. Gloss. Villains were for a long time left Merely to the service of their lords, until the Uninterrupted benevolence and good Nature of the successive lords having time out of Mind permitted them or them and their posterity to Enjoy their possessions in a course of free possession or for life only, became at length Customary