Which laſt Power, in ſpiritual, or eleemoſynary Corporations, may be executed by the King or the Founder.

6.

The Duty of Corporations is to anſwer the Ends of their Inſtitution.

7.

To enforce this Duty, all Corporations may be VISITED: Spiritual Corporations by the Ordinary; Lay Corporations by the Founder, or his Repreſentatives; viz. the civil by the King (who is the *Fundator incipiens* of all) repreſented in his Court of King's Bench; the eleemoſynary by the Endower (who is the *Fundator perficiens* of ſuch) or by his Heirs or Aſſigns.

8.

Corporations may be diſſolved, 1. By Act of Parliament. 2. By the natural Death of all their Members. 3. By Surrender of their Franchiſes. 4. By Forfeiture of their Charter.

BOOK THE SECOND.

Of the RIGHTS *of* THINGS.

CHAPTER I.

Of DOMINION *over* THINGS REAL; *and, firſt, of* CORPOREAL *Hereditaments.*

1.

ALL DOMINION over external Objects has it's Original from the Gift of the Creator to Man in general.

2.

The SUBSTANCE of Things was, at firſt, common to all Mankind; yet a temporary Property, in the USE of them, might even then be acquired, and continued, by OCCUPANCY.

3.

In Proceſs of Time a permanent Property was eſtabliſhed in the SUBSTANCE, as well as the USE, of Things; which was alſo originally acquired by OCCUPANCY only.

4.

Leſt this Property ſhould determine by the Owner's Dereliction, or Death, whereby the Thing would again become common, Societies have eſtabliſhed

bliſhed CONVEYANCES, WILLS, and HEIRSHIPS, in order to continue the Property of the firſt Occupant: And, where by Accident ſuch Property becomes diſcontinued or unknown, the Thing uſually reſults to the SOVEREIGN of the State, by virtue of the municipal Law.

5.

But of ſome Things, which are incapable of permanent ſubſtantial Dominion, there ſtill ſubſiſts only the ſame tranſient uſufructuary Property, which originally ſubſiſted in all Things.

6.

In this PROPERTY, or excluſive Dominion, conſiſt the RIGHTS of THINGS; which are, 1. Things REAL. 2. Things PERSONAL.

7.

In Things REAL may be conſidered, 1. Their ſeveral KINDS. 2. The TENURES, by which they may be holden. 3. The ESTATES, which may be acquired therein. 4. Their TITLE, or the Means of acquiring and loſing them.

8.

All the ſeveral KINDS of Things real are reducible to one of theſe three, viz. LANDS, TENEMENTS, or HEREDITAMENTS; whereof the ſecond includes the firſt, and the third includes the firſt and ſecond.

9.

HEREDITAMENTS therefore, or whatever may come to be inherited, (being the moſt comprehenſive Deno-

Denomination of Things real,) are either CORPOREAL or INCORPOREAL.

10.

CORPOREAL Hereditaments conſiſt wholly of LANDS, in their largeſt legal Senſe; wherein they include not only the Face of the Earth, but every other Object of Senſe adjoining thereto, and ſubſiſting either above or beneath it.

CHAP. II.

Of INCORPOREAL *Hereditaments.*

1.

INCORPOREAL Hereditaments are Rights iſſuing out of Things corporeal, or concerning, or annexed to, or exerciſible within, the ſame.

2.

Incorporeal Hereditaments are, 1. ADVOWSONS. 2. TITHES. 3. COMMONS. 4. WAYS. 5. OFFICES. 6. DIGNITIES. 7. FRANCHISES. 8. CORODIES or PENSIONS. 9. ANNUITIES. 10. RENTS.

3.

An ADVOWSON is a Right of Preſentation to an eccleſiaſtical Benefice; either appendant, or in groſs. This may be, 1. Preſentative. 2. Collative. 3. Donative.

4.

TITHES are the tenth Part of the Increaſe yearly ariſing from the Profits and Stock of Lands, and the

the perſonal Induſtry of Mankind. Theſe, by the antient and poſitive Law of the Land, are due of common Right to the Parſon or Vicar; unleſs ſpecially diſcharged, 1. By real Compoſition. 2. By Preſcription, either *de Modo decimandi*, or *de non decimando*.

5.

COMMON is a Profit which a Man hath in the Lands of another; being, 1. Common of Paſture; which is either appendant, appurtenant, becauſe of Vicinage, or in groſs. 2. Common of Piſcary. 3. Common of Turbary. 4. Common of Eſtovers, or Botes.

6.

WAYS are a Right of paſſing over another Man's Ground.

7.

OFFICES are the Right to exerciſe a public, or private, Employment.

8.

For DIGNITIES, which are Titles of Honour, ſee Book I. Ch. 13.

9.

FRANCHISES are a royal Privilege, or Branch of the King's Prerogative, ſubſiſting in the Hands of a Subject.

10.

CORODIES are Allotments for one's Suſtenance; which may be converted into PENSIONS. (See Book I. Ch. 9.)

11.

An ANNUITY is a yearly Sum of Money, charged upon the Perſon, and not upon the Lands, of the Grantor.

12.

RENTS are a certain Profit iſſuing yearly out of Lands and Tenements; and are reducible to, 1. Rent-ſervice. 2. Rent-charge. 3. Rent-ſeck.

CHAP. III.

Of the ANTIENT TENURES *of Things real.*

1.

THE Doctrine of TENURES is derived from the FEODAL Law; which was planted in EUROPE by it's northern Conquerors, at the Diſſolution of the ROMAN Empire.

2.

Pure and PROPER FEUDS were Parcels of Land, allotted by a Chief to his Followers; to be held on the Condition of perſonally rendering due military Service to their Lord.

3.

Theſe were granted by Inveſtiture; were held under the Bond of Fealty; were inheritable only by Deſcendants; and could not be transferred without the mutual Conſent of the Lord and Vaſal.

4. IM-

4.

IMPROPER FEUDS were derived from the other; but differed from them in their Original, their Services and Renders, their Deſcent, and other Circumſtances.

5.

The Lands of ENGLAND were converted into FEUDS, of the improper Kind, ſoon after the NORMAN Conqueſt: Which gave Riſe to the grand Maxim of Tenure; viz. That all Lands in the Kingdom are HOLDEN, mediately or immediately, of the King.

6.

The Diſtinction of Tenures conſiſted in the Nature of their Services: As, 1. CHIVALRY, or KNIGHT-SERVICE; where the Service was free, but uncertain. 2. FREE SOCAGE; where the Service was free, and certain. 3. Pure VILLENAGE; where the Service was baſe, and uncertain. 4. PRIVILEGED VILLENAGE, or VILLEIN SOCAGE; where the Service was baſe, but certain.

7.

The moſt univerſal antient Tenure was that in CHIVALRY, or by KNIGHT-SERVICE; in which the Tenant of every Knight's Fee was bound, if called upon, to attend his Lord to the Wars. This was granted by Livery, and perfected by Homage and Fealty; which uſually drew after them Suit of Court.

8.

The other Fruits and Conſequences of the Tenure by Knight-Service were, 1. Aid. 2. Relief. 3. Primer

mer Seiſin. 4. Wardſhip. 5. Marriage. 6. Eſcheat. 7. Fines upon Alienation.

9.

GRAND SERJEANTY differed from Chivalry principally in it's Render, or Service; and not in it's Fruits and Conſequences.

10.

The perſonal Service in Chivalry was at length gradually changed into pecuniary Aſſeſſments, which were called SCUTAGE or ESCUAGE.

11.

Theſe military Tenures (except the Services of grand Serjeanty) were, at the Reſtoration of King CHARLES, totally aboliſhed, and reduced to free Socage, by Act of Parliament.

CHAP. IV.

Of the MODERN TENURES *of Things real.*

1.

FREE SOCAGE is a Tenure by any free, certain, and determinate Service.

2.

This Tenure, the Relic of SAXON Liberty, includes PETIT SERJEANTY, Tenure in BURGAGE, and GAVELKIND.

3.

Free Socage Lands partake ſtrongly of the feodal Nature, as well as thoſe in Chivalry: Being holden;

holden; ſubject to ſome Service, — at the leaſt, to Fealty and Suit of Court; ſubject to Relief, to Wardſhip, and to Eſcheat; but not to Marriage; ſubject alſo formerly to Aids, primer Seiſin, and Fines for Alienation.

4.

PURE VILLENAGE was a precarious and ſlaviſh Tenure, at the abſolute Will of the Lord, upon uncertain Services of the baſeſt Nature.

5.

From hence, by tacit Conſent or Encroachment, have ariſen the modern COPYHOLDS, or Tenure by Copy of Court Roll; in which Lands may be ſtill held at the (nominal) Will of the Lord, (but regulated) according to the Cuſtom of the Manor.

6.

Theſe are ſubject, like Socage Lands, to Services, Relief, and Eſcheat; and alſo to Heriots, Wardſhip, and Fines upon Deſcent and Alienation.

7.

PRIVILEGED VILLENAGE, or VILLEIN SOCAGE, is an exalted Species of copyhold Tenure, upon baſe, but certain, Services; ſubſiſting only in the antient Demeſnes of the Crown; whence the Tenure is denominated the Tenure in ANTIENT DEMESNE.

8.

Theſe Copyholds, of antient Demeſne, have divers Immunities annexed to their Tenure; but are ſtill held by Copy of Court Roll, according to the Cuſtom of the Manor, though not at the Will of the Lord.

9. FRANK-

9.

FRANKALMOIGN is a Tenure by ſpiritual Services at large; whereby many eccleſiaſtical and eleemoſynary Corporations now hold their Lands and Tenements: Being of a Nature diſtinct from Tenure by divine Service in certain.

CHAP. V.

Of ESTATES, *with reſpect to their* QUANTITY *of* INTEREST; *and, firſt, of* FREEHOLDS *of* INHERITANCE.

1.

ESTATES in Lands, Tenements, and Hereditaments, are ſuch Intereſt as the Tenant hath therein; to aſcertain which, may be conſidered, 1. The QUANTITY of INTEREST. 2. The TIME of ENJOYMENT. 3. The NUMBER and CONNEXIONS of the TENANTS.

2.

Eſtates, with reſpect to their QUANTITY of INTEREST, or Duration, are either FREEHOLD, or LESS than FREEHOLD.

3.

A FREEHOLD Eſtate, in Lands, is ſuch as is created by Livery of Seiſin at common Law; or, in Tenements of an incorporeal Nature, by what is equivalent thereto.

4. Free-

4.

Freehold Eſtates are either Eſtates of INHERITANCE, or NOT of INHERITANCE, viz. for LIFE only: And INHERITANCES are, 1. ABSOLUTE, or FEE SIMPLE. 2. LIMITED FEES.

5.

Tenant in FEE SIMPLE is he that hath Lands, Tenements, or Hereditaments, to hold to him and his Heirs for ever.

6.

LIMITED FEES are, 1. QUALIFIED, or BASE, Fees. 2. Fees CONDITIONAL at the common Law.

7.

QUALIFIED, or BASE, Fees are thoſe which, having a Qualification ſubjoined thereto, are liable to be defeated when that Qualification is at an end.

8.

CONDITIONAL Fees, at the common Law, were ſuch as were granted to the Donee, and the Heirs of his Body, in excluſion of collateral Heirs.

9.

Theſe were held to be Fees, granted on Condition that the Donee had Iſſue of his Body; which Condition being once performed by the Birth of Iſſue, the Donee might immediately aliene the Land: But, the Statute *de Donis* being made to prevent ſuch Alienation, thereupon from the Diviſion of the Fee (by Conſtruction of this Statute) into a particular Eſtate and a Reverſion, the conditional Fees began to be called Fees-TAIL.

10. All

10.

All Tenements real, or ſavouring of the Realty, are ſubject to Entails.

11.

Eſtates tail may be, 1. general, or ſpecial; 2. male, or female; 3. given in frank Marriage.

12.

Incident to Eſtates tail are, 1. Waſte. 2. Dower. 3. Curteſy. 4. Bar; — by Fine, Recovery, or lineal Warranty with Aſſets.

13.

Eſtates tail are now, by many Statutes and Reſolutions of the Courts, almoſt brought back to the State of conditional Fees at the common Law.

CHAP.

CHAP. VI.

Of FREEHOLDS, NOT *of* INHERITANCE.

1.

FREEHOLDS, NOT of INHERITANCE, or for LIFE only, are, 1. CONVENTIONAL, or created by the Act of the Parties. 2. LEGAL, or created by Operation of Law.

2.

CONVENTIONAL Eſtates for LIFE are created by an expreſs Grant for Term of one's own Life, or *pur auter Vie*; or by a general Grant, without expreſſing any Term at all.

3.

Incident to this, and all other Eſtates for Life, are Eſtovers, and Emblements: And to Eſtates *pur auter Vie* general Occupancy was alſo incident; as ſpecial Occupancy ſtill is, if *ceſtuy que Vie* ſurvives the Tenant.

4.

LEGAL Eſtates for LIFE are, 1. Tenancy in TAIL, after POSSIBILITY of Iſſue EXTINCT. 2. Tenancy by the CURTESY of ENGLAND. 3. Tenancy in DOWER.

5.

Tenancy in TAIL, after POSSIBILITY of Iſſue EXTINCT, is where an Eſtate is given in ſpecial Tail; and, before Iſſue had, a Perſon dies from whoſe Body the Iſſue was to ſpring; whereupon the Tenant

Tenant (if ſurviving) becomes Tenant in TAIL, after POSSIBILITY of Iſſue EXTINCT.

6.

This Eſtate partakes both of the Incidents to an Eſtate tail, and thoſe of an Eſtate for Life.

7.

Tenancy by the CURTESY of ENGLAND is where a Man marries a Woman, ſeiſed of an Eſtate of Inheritance; and by her has Iſſue, born alive, which was capable of inheriting her Eſtate; in which caſe he ſhall, upon her Death, hold the Tenements for his own Life, as Tenant by the CURTESY.

8.

Tenancy in DOWER is where a Woman marries a Man, ſeiſed of an Eſtate of Inheritance, of which her Iſſue might by any Poſſibility have been Heir; and the Huſband dies; the Woman is hereupon entitled to DOWER, or one third Part of the Lands and Tenements, to hold for her natural Life.

9.

Dower is either by common Law; by ſpecial Cuſtom; *ad Oſtium Eccleſiae*; or, *ex Aſſenſu Patris*.

10.

Dower may be forfeited, or barred; particularly by an Eſtate in JOINTURE.

CHAP.

CHAP. VII.

Of Eſtates, LESS *than* FREEHOLD.

1.

ESTATES LESS than FREEHOLD are, 1. Eſtates for YEARS. 2. Eſtates at WILL. 3. Eſtates at SUFFERANCE. 4. Eſtates on CONDITION.

2.

An Eſtate for YEARS is where a Man, ſeiſed of Lands and Tenements, letteth them to another for a certain Period of Time, which transfers the Intereſt of the Term; and the Leſſee enters thereon, which gives him Poſſeſſion of the Term, but not legal Seiſin of the Land.

3.

Incident to this Eſtate are Eſtovers; and alſo Emblements, if it determines before the full End of the Term.

4.

An Eſtate at WILL is where Lands are let by one Man to another, to hold at the Will of both Parties; and the Leſſee enters thereon.

5.

COPYHOLDS are Eſtates held at the Will of the Lord, (regulated) according to the Cuſtom of the Manor.

6.

An Eſtate at SUFFERANCE is where one comes into

into Poſſeſſion of Land by lawful Title, but keeps it afterwards without any Title at all.

7.

Eſtates on CONDITION, (which may, or may not, be FREEHOLD) are, 1. On Condition IMPLIED. 2. On Condition EXPRESSED. 3. Eſtates in GAGE. 4. Eſtates by STATUTE, merchant or ſtaple. 5. Eſtates by ELEGIT.

8.

Eſtates on Condition IMPLIED are where a Grant of an Eſtate has, from it's Eſſence and Conſtitution, a Condition inſeparably annexed to it; though none be expreſſed in Words.

9.

Eſtates on Condition EXPRESSED are where an expreſs Qualification or Proviſion is annexed to the Grant of an Eſtate: On the Breach or Nonperformance of which Conditions, either expreſſed or implied, the Eſtate ſo granted may be defeated.

10.

Eſtates in GAGE, *in Vadio*, or in Pledge, are Eſtates granted as a Security for Money lent; being, 1. *In vivo Vadio*, or LIVING GAGE; where the Profits of Land are granted till a Debt be paid, upon which Payment the Grantor's Eſtate will revive. 2. *In mortuo Vadio*, in DEAD, or MORT GAGE; where an Eſtate is granted, on Condition to be void at a Day certain, if the Grantor then repays the Money borrowed; on Failure of which, the Eſtate becomes abſolutely dead to the Grantor.

11. Eſtates

11.

Eſtates by STATUTE merchant, or STATUTE ſtaple, are alſo Eſtates conveyed to Creditors, in purſuance of certain Statutes, till their Profits have diſcharged the Debt.

12.

Eſtates by ELEGIT are where, in conſequence of a judicial Writ ſo called, Lands are delivered by the Sheriff to a Plaintiff, till their Profits ſhall ſatisfy a Debt adjudged to be due by Law.

CHAP. VIII.

Of Eſtates, with reſpect to their TIME *of* ENJOYMENT.

1.

ESTates, with reſpect to their TIME of ENJOYMENT, are either in immediate POSSESSION, or in EXPECTANCY: Which Eſtates in EXPECTANCY are created at the ſame Time, and are Parcel of the ſame Eſtates, as thoſe upon which they are expectant. Theſe are, 1. REMAINDERS. 2. REVERSIONS.

2.

A REMAINDER is an Eſtate limited to take Effect, and be enjoyed, after another PARTICULAR Eſtate in Poſſeſſion is determined.

3. There-

3.

Therefore, 1. There muſt be a precedent particular Eſtate, in order to ſupport a Remainder. 2. The Remainder muſt paſs out of the Grantor, at the Creation of the particular Eſtate. 3. The Remainder muſt veſt in the Grantee, during the Continuance, or at the Determination, of the particular Eſtate.

4.

Remainders are, 1. Veſted; where the Eſtate is fixed to remain to a CERTAIN Perſon, after the particular Eſtate is ſpent. 2. Contingent; where the Eſtate is limited to take Effect, either to an UNCERTAIN Perſon, or upon an UNCERTAIN Event.

5.

An EXECUTORY DEVISE is ſuch a Diſpoſition of Lands, by Will, that no Eſtate ſhall veſt thereby at the Death of the Deviſor, but only upon ſome future Contingency; without any precedent particular Eſtate to ſupport it.

6.

A REVERSION is the Reſidue of an Eſtate left in the Grantor, to commence in Poſſeſſion after the Determination of ſome PARTICULAR Eſtate granted: To which are incident Fealty, and Rent.

7.

Where two Eſtates, the one leſs, the other greater, the one in Poſſeſſion, the other in Expectancy, meet together in one and the ſame Perſon, and in one and the ſame Right, the leſs is MERGED in the greater.

CHAP.

CHAP. IX.

Of Eſtates, with reſpect to the NUMBER *and* CONNEXIONS *of the* TENANTS.

1.

ESTates, with reſpect to the NUMBER and CONNEXIONS of their TENANTS, may be held, 1. In SEVERALTY. 2. In JOINTENANCY. 3. In COPARCENARY. 4. In COMMON.

2.

An Eſtate in SEVERALTY is where one Tenant holds it in his own ſole Right, without any other Perſon being joined with him.

3.

An Eſtate in JOINTENANCY is where an Eſtate is granted to two or more Perſons; in which Caſe the Law conſtrues them to be JOINTENANTS, unleſs the Words of the Grant expreſsly exclude ſuch Conſtruction.

4.

Jointenants have an Unity of Intereſt, of Title, of Time, and of Poſſeſſion: They are ſeiſed *per my & per tout*; and therefore upon the Deceaſe of one Jointenant, the whole Intereſt remains to the Survivor.

5.

Jointenancy may be diſſolved, by deſtroying one of it's four conſtituent Unities.

6. An

6.

An Eſtate in COPARCENARY is where an Eſtate of Inheritance deſcends from the Anceſtor to two or more Perſons; who are called PARCENERS, and all together make but one Heir.

7.

Parceners have an Unity of Intereſt, Title, and Poſſeſſion; but are only ſeiſed *per my*, and not *per tout*: Wherefore there is no Survivorſhip among Parceners.

8.

Incident to this Eſtate is the Law of HOTCHPOT.

9.

Coparcenary may alſo be diſſolved, by deſtroying any of it's three conſtituent Unities.

10.

An Eſtate in COMMON is where two or more Perſons hold Lands, poſſibly by diſtinct Titles, and for diſtinct Intereſts; but by Unity of Poſſeſſion, becauſe none knoweth his own Severalty.

11.

Tenants in common have therefore an Unity of Poſſeſſion, (without Survivorſhip; being ſeiſed *per my*, and not *per tout*;) but no neceſſary Unity of Title, Time, or Intereſt.

12.

This Eſtate may be created, 1. By diſſolving the conſtituent Unities of the two former; 2. By expreſs Limitation in a Grant: And may be deſtroyed, 1. By uniting the ſeveral Titles in one Tenant; 2. By Partition of the Land.

CHAP.

CHAP. X.

Of the TITLE *to Things real, with the Means of acquiring and losing it; and, first, of* DESCENT.

1.

A TITLE to Things real is the Means whereby a Man cometh to the just Possession of his Property.

2.

Herein may be considered, 1. A mere or naked Possession. 2. The Right of Possession; which is, 1st, an apparent, 2dly, an actual, Right. 3. The mere Right of Propriety. 4. The Conjunction of actual Possession with both these Rights; which constitutes a perfect TITLE.

3.

The TITLE to Things real may be reciprocally acquired or lost, 1. By DESCENT. 2. By PURCHASE.

4.

DESCENT is the Means whereby a Man, on the Death of his Ancestor, acquires a Title to his Estate, in right of Representation, as his HEIR at Law.

5.

To understand the Doctrine of Descents, we must form a clear Notion of CONSANGUINITY; which is the Connexion, or Relation, of Persons descended from the same Stock or common Ancestor; and it is, 1. LINEAL, where one of the Kinsmen is lineal-

ly deſcended from the other. 2. COLLATERAL, where they are lineally deſcended, not one from the other, but both from the ſame common Anceſtor[a].

CHAP. XI.

Of the Rules of Deſcent, or legal CANONS *of* INHERITANCE.

THE Rules of Deſcent, or CANONS of INHERITANCE, obſerved by the Laws of ENGLAND, are theſe[b];

I.

Inheritances ſhall lineally DESCEND, to the ISSUE of the Perſon laſt actually ſeiſed, *in infinitum*; but ſhall never lineally ASCEND.

II.

The MALE Iſſue ſhall be admitted before the FEMALE.

III.

Where there are two or more Males in equal Degree, the ELDEST only ſhall inherit; but the Females ALL together.

IV.

The lineal Deſcendants, *in infinitum*, of any Perſon deceaſed ſhall REPRESENT their Anceſtor; that is, ſtand in the ſame Place as the Perſon himſelf would have done, had he been living.

a See APPENDIX, No. I. b See APPENDIX, No. II.

On

V.

On Failure of LINEAL Deſcendants, or Iſſue, of the Perſon laſt ſeiſed, the Inheritance ſhall deſcend to his next COLLATERAL Kindred; that is, the Iſſue lineally derived from his next immediate Anceſtor; ſubject to the three laſt, and to the three ſucceeding Rules.

VI.

Such next collateral Kindred muſt be of the BLOOD of the FIRST PURCHASOR. — To evidence which, the two following Rules are eſtabliſhed.

VII.

The collateral Heir of the Perſon laſt ſeiſed muſt be his next Kinſman, of the WHOLE Blood.

VIII.

In collateral Inheritances, the MALE STOCKS ſhall be preferred to the FEMALE; that is, Kinſmen deſcending from the Blood of the male Anceſtors ſhall be admitted before thoſe from the Blood of the female: Unleſs where the Lands did, in fact, deſcend from a Female.

CHAP. XII.

Of PURCHASE *in general; and therein of* OCCUPANCY, PRESCRIPTION, *and* ESCHEAT.

1.

PURCHASE, or Perquiſition, is the Poſſeſſion of an Eſtate, which a Man hath by his own Act or Agreement; and not by the mere Act of Law, or Deſcent from any of his Anceſtors. This includes, 1. OCCUPANCY. 2. PRESCRIPTION. 3. ESCHEAT. 4. FORFEITURE. 5. BANKRUPTCY. 6. ALIENATION.

2.

OCCUPANCY is Taking the Poſſeſſion of thoſe Things, which before had no Owner.

3.

PRESCRIPTION is a perſonal immemorial Uſage of enjoying a Right, by a Man, and either his Anceſtors, or thoſe whoſe Eſtate he hath; of which the firſt is called preſcribing in his Anceſtors, the latter in a *que Eſtate*.

4.

ESCHEAT is where, upon Deficiency of the Tenant's INHERITABLE BLOOD, the Eſtate falls to the Lord of the Fee.

5.

INHERITABLE BLOOD is wanting to, 1. Monſters. 2. Baſtards. 3. The maternal Relations in paternal Inheritances, and *vice verſa*. 4. Kindred of the

the half Blood. 5. Aliens, and their Iſſue. 6. Perſons attainted of Treaſon or Felony. 7. Papiſts, in reſpect of themſelves only, by the ſtatute Law.

CHAP. XIII.

Of FORFEITURE *and* BANKRUPTCY.

1.

FORFEITURE is a Puniſhment annexed by Law to ſome illegal Act, or Negligence, of the Owner of Things real; whereby the Eſtate is transferred to another, who is uſually the Party injured.

2.

Forfeitures are occaſioned, 1. By CRIMES. 2. By ALIENATION, contrary to Law. 3. By LAPSE. 4. By SIMONY. 5. By NONPERFORMANCE of CONDITIONS. 6. By WASTE.

3.

Forfeitures for CRIMES, or Miſdemeſnors, are for, 1. High Treaſon. 2. Miſpriſion of Treaſon. 3. Petit Treaſon and Felony. 4. Outlawry. 5. Aſſaults on a Judge, and Batteries, ſitting the Courts. 6. *Praemunire*. 7. Popiſh Recuſancy, &c.

4.

ALIENATIONS, or Conveyances, which induce a Forfeiture, are 1. Thoſe in Mortmain, made to Corporations contrary to the ſtatute Law. 2. Thoſe made to Aliens. 3. Thoſe made by particular Tenants, when larger than their Eſtates will warrant.

5. LAPSE

5.

LAPSE is a Forfeiture of the Right of Preſentation to a vacant Church, by Neglect of the Patron to preſent within ſix calendar Months.

6.

SIMONY is the corrupt Preſentation of any one to an eccleſiaſtical Benefice, whereby that Turn becomes forfeited to the Crown.

7.

For Forfeiture by NONPERFORMANCE of CONDITIONS, ſee Ch. 7.

8.

WASTE is a Spoil, or Deſtruction, in any corporeal Hereditaments, to the Prejudice of him that hath the Inheritance.

9.

COPYHOLD Eſtates may have alſo other Cauſes of Forfeiture, according to the Cuſtom of the Manor.

10.

BANKRUPTCY is the Act of becoming a BANKRUPT; that is, a Trader who ſecretes himſelf, or does certain other Acts, tending to defraud his Creditors. (See Ch. 22.)

11.

By Bankruptcy all the Eſtates of the Bankrupt are transferred to the Aſſignees of his Commiſſioners, to be ſold for the Benefit of his Creditors.

CHAP.

CHAP. XIV.

Of ALIENATION *by* COMMON ASSURANCES; *and the* GENERAL NATURE *of* DEEDS.

1.

ALIENATION, Conveyance, or Purchaſe in it's more limited Senſe, is a Means of transferring real Eſtates, wherein they are voluntarily reſigned by one Man, and accepted by another.

2.

This formerly could not be done by a Tenant, without LICENCE from his Lord; nor by a Lord, without ATTORNMENT of his Tenant.

3.

All Perſons are CAPABLE of purchaſing; and all, that are in Poſſeſſion of any Eſtates, are CAPABLE of conveying them: — Unleſs under peculiar Diſabilities by Law.

4.

Alienations are made by COMMON ASSURANCES; which are, 1. By DEED, or Matter in PAIS. 2. By Matter of RECORD. 3. By ſpecial CUSTOM. 4. By DEVISE.

5.

In Aſſurances by DEED may be conſidered, 1. It's GENERAL NATURE. 2. It's SEVERAL SPECIES.

6. A Deed,

6.

A Deed, in GENERAL, is the ſolemn Act of the Parties; being, uſually, a Writing ſealed and delivered; and it may be, 1. A Deed indented, or Indenture. 2. A Deed poll.

7.

The REQUISITES of a Deed are, 1. Sufficient PARTIES, and proper SUBJECT-MATTER. 2. A good and ſufficient CONSIDERATION. 3. WRITING on Paper, or Parchment, duly ſtamped. 4. Legal and orderly PARTS[c], (as, 1ſt, the Premiſes; 2dly, the *Habendum*; 3dly, the *Tenendum*; 4thly, the *Reddendum*; 5thly, the Conditions; 6thly, the Warranty; 7thly, the Covenants; 8thly, the Concluſion, which includes the Date.) 5. READING it, if deſired. 6. SEALING, and, in many caſes, SIGNING it alſo. 7. DELIVERY. 8. ATTESTATION.

8.

A Deed may be AVOIDED, 1. By the Want of any of the Requiſites before-mentioned. 2. By ſubſequent Matter; as, 1ſt, Raſure, or Alteration. 2dly, Defacing it's Seal. 3dly, Cancelling it. 4thly, Diſagreement of thoſe, whoſe Conſent is neceſſary. 5thly, Judgment of a Court of Juſtice.

c See APPENDIX, No. III. and No. IV.

CHAP.

CHAP. XV.

Of the SEVERAL SPECIES *of* DEEDS.

1.

OF Deeds, ſome ſerve to CONVEY real Property, ſome only to CHARGE and DISCHARGE it.

2.

Deeds which ſerve to CONVEY real Property, or CONVEYANCES, are either by COMMON LAW, or by STATUTE. And, of Conveyances by COMMON LAW, ſome are ORIGINAL or primary, others DERIVATIVE or ſecondary.

3.

ORIGINAL Conveyances are, 1. FEOFFMENTS. 2. GIFTS. 3. GRANTS. 4. LEASES. 5. EXCHANGES. 6. PARTITIONS. — DERIVATIVE are, 7. RELEASES. 8. CONFIRMATIONS. 9. SURRENDERS. 10. ASSIGNMENTS. 11. REVOCATIONS.

4.

A FEOFFMENT [d] is the Gift of any CORPOREAL Hereditament to another, perfected by LIVERY of SEISIN, or Delivery of bodily Poſſeſſion from the Feoffor to the Feoffee; without which no freehold Eſtate therein can be created at common Law.

5.

A GIFT is properly the Conveyance of Lands in Tail.

d See APPENDIX, No. III.

6. A GRANT

6.

A GRANT is the regular Method, by common Law, of conveying INCORPOREAL Hereditaments.

7.

A LEASE is the Demiſe, Granting, or Letting of any Tenement to Farm, uſually for a leſs Term than the Leſſor hath therein; yet ſometimes poſſibly for a greater; according to the Regulations of the reſtraining and enabling Statutes.

8.

An EXCHANGE is the mutual Conveyance of equal Intereſts, the one in Conſideration of the other.

9.

A PARTITION is the Diviſion of an Eſtate held in Jointenancy, in Coparcenary, or in common, between the reſpective Tenants; ſo that each may hold his diſtinct Part in Severalty.

10.

A RELEASE is the Diſcharge or Conveyance of a Man's Right, in Lands and Tenements, to another that hath ſome former Eſtate in Poſſeſſion therein.

11.

A CONFIRMATION is the Conveyance of an Eſtate or Right *in eſſe*, whereby a voidable Eſtate is made ſure, or a particular Eſtate is encreaſed.

12.

A SURRENDER is the Yielding up of an Eſtate for Life, or Years, to him that hath the immediate Remainder or Reverſion; wherein the particular Eſtate may merge.

13. An

13.

An ASSIGNMENT is the Transfer, or Making over to another, of the whole Right one has in any Eſtate; but uſually in a Leaſe, for Life or Years.

14.

A REVOCATION is the Execution of a Power, reſerved by the Grantor in a former Deed, of calling back the Eſtate granted. It differs from a DEFEASANCE, in that the Deed of DEFEASANCE muſt be of the ſame Antiquity as the Grant, and that the Deed of REVOCATION may be ſubſequent.

15.

Conveyances by STATUTE depend much on the Doctrine of USES and TRUSTS: Which are a Confidence repoſed in the *Terre-Tenant*, or Tenant of the Land, that he ſhall permit the Profits to be enjoyed, according to the Directions of *ceſtuy que Uſe*, or *ceſtuy que Truſt*.

16.

The Statute of Uſes, having transferred all Uſes into actual Poſſeſſion, (or, rather, having drawn the Poſſeſſion to the Uſe) has given Birth to three other Species of Conveyance: 1. A COVENANT to ſtand ſeiſed to USES. 2. A BARGAIN and SALE, enrolled. 3. A LEASE and RELEASE [e]. Which owe their preſent Operation principally to the Statute of Uſes.

e See APPENDIX, No. IV.

17. Deeds

17.

Deeds which do not CONVEY, but only CHARGE real Property, and DISCHARGE it, are, 1. OBLIGATIONS [f]. 2. RECOGNIZANCES. 3. DEFEASANCES.

CHAP. XVI.

Of ASSURANCES *by Matter of* RECORD.

1.

ASSURANCES by Matter of RECORD are where the Sanction of ſome Court of Record is called in, to ſubſtantiate and witneſs the Transfer of real Property. Theſe are, 1. PRIVATE ACTS of PARLIAMENT. 2. The KING'S GRANTS. 3. FINES. 4. Common RECOVERIES.

2.

PRIVATE ACTS of PARLIAMENT are a Species of Aſſurances, calculated to give (by the tranſcendent Authority of Parliament) ſuch reaſonable Powers or Relief, as are beyond the Reach of the ordinary Courſe of Law.

3.

The KING'S GRANTS, contained in Charters or Letters patent, are all entered on Record, for the Dignity of the royal Perſon, and Security of the royal Revenue.

[f] *See* APPENDIX, No. V.

4. A FINE

4.

A FINE [g] (ſometimes ſaid to be a Feoffment of Record) is an amicable Compoſition and Agreement of an actual, or fictitious, Suit; whereby the Eſtate in queſtion is acknowleged to be the Right of one of the Parties.

5.

The PARTS of a Fine are, 1. The Writ of Covenant. 2. The Licence to agree. 3. The Concord. 4. The Note. 5. The Foot. To which the Statute hath added, 6. Proclamations.

6.

Fines are of four KINDS: 1. *Sur Cognizance de Droit, come ceo que il ad de ſon Done.* 2. *Sur Cognizance de Droit tantum.* 3. *Sur Conceſſit.* 4. *Sur Done, Grant, et Render*; which is a double Fine.

7.

The FORCE and EFFECT of Fines (when levied by ſuch as have themſelves any Intereſt in the Eſtate) are to aſſure the Lands in queſtion to the Cognizee, by barring the reſpective Rights of Parties, Privies, and Strangers.

8.

A common RECOVERY [h] is by an actual, or fictitious, Suit or Action for Land, brought againſt the Tenant of the Freehold; who thereupon vouches another, who undertakes to warrant the Tenant's Title: But, upon ſuch Vouchee's making Default, the Land is RECOVERED by Judgment at Law againſt the Tenant; who, in return, obtains Judgment againſt

g See APPENDIX, No. VI. h See APPENDIX, No. VII.

the

the Vouchee to recover Lands of equal Value in Recompenſe.

9.

The FORCE and EFFECT of a Recovery are to aſſure Lands to the Recoveror, by barring Eſtates tail, and all Remainders and Reverſions expectant thereon; provided the Tenant in Tail either ſuffer, or be vouched in, ſuch Recovery.

10.

The USES of a Fine or Recovery may be directed by, 1. Deeds to LEAD ſuch Uſes; which are made previous to the Levying or Suffering them. 2. Deeds to DECLARE the Uſes; which are made ſubſequent.

CHAP. XVII.

Of ASSURANCES *by ſpecial* CUSTOM, *and* DEVISE.

1.

ASSURANCES by ſpecial CUSTOM are confined to the Transfer of COPYHOLD Eſtates.

2.

This is effected by, 1. SURRENDER by the Tenant into the Hands of the Lord to the Uſe of another, according to the Cuſtom of the Manor. 2. PRESENTMENT, by the Tenants or Homage, of ſuch Surrender. 3. ADMITTANCE of the Surrenderee

deree by the Lord, according to the Uſes expreſſed in ſuch Surrender.

3.

ADMITTANCE may alſo be had upon original GRANTS to the Tenant from the Lord, and upon DESCENTS to the Heir from the Anceſtor.

4.

DEVISE is a Diſpoſition of Lands and Tenements, contained in the laſt Will and Teſtament of the Owner.

5.

This was not permitted by the common Law, as it ſtood ſince the Conqueſt; but was introduced by the ſtatute Law.

CHAP. XVIII.

Of THINGS PERSONAL, *or* CHATTELS; *their* DISTRIBUTION; *and the* PROPERTY *which may be had therein.*

1.

THINGS PERSONAL are comprehended under the general Name of CHATTELS; which include whatever wants either the Duration, or the Immobility, attending Things real.

2.

In theſe are to be conſidered, 1. Their DISTRIBUTION. 2. The PROPERTY of them. 3. The TITLE to that Property.

3. As

3.

As to the DISTRIBUTION of Chattels, they are, 1. Chattels REAL. 2. Chattels PERSONAL.

4.

Chattels REAL are ſuch Quantities of Intereſt, in Things IMMOVEABLE, as are ſhort of the Duration of Freeholds; being limited to a Time certain, beyond which they cannot ſubſiſt. (See Ch. 7.)

5.

Chattels PERSONAL are Things MOVEABLE; which may be transferred from Place to Place, together with the Perſon of the Owner.

6.

PROPERTY, in Chattels perſonal, is either in POSSESSION, or in ACTION.

7.

Property in POSSESSION, where a Man has the actual Enjoyment of the Thing, is, 1. ABSOLUTE. 2. QUALIFIED.

8.

ABSOLUTE Property is where a Man has ſuch an excluſive Right in the Thing, that it cannot ceaſe to be his, without his own Act or Default.

9.

QUALIFIED Property is ſuch as is not, in it's Nature, permanent; but may ſometimes ſubſiſt, and at other times not ſubſiſt.

10.

This may ariſe, 1. Where the Subject is incapable of abſolute Ownerſhip. 2. From the peculiar Circumſtances of the Owners.

11. Pro-

11.

Property in ACTION, is where a Man hath not the actual OCCUPATION of the Thing; but only a RIGHT to it, arising upon some Contract, and recoverable by an Action at Law.

12.

The Property of Chattels personal is liable to Remainders, if created by Will; to Jointenancy; and to Tenancy in common.

CHAP. XIX.

Of the TITLE *to Things personal, or Chattels, by* OCCUPANCY, PREROGATIVE, *and* SUCCESSION.

1.

THE TITLE to Things personal may be acquired or lost by, 1. OCCUPANCY. 2. PREROGATIVE. 3. SUCCESSION. 4. CUSTOM. 5. MARRIAGE. 6. FORFEITURE. 7. JUDGMENT. 8. GRANT. 9. CONTRACT. 10. BANKRUPTCY. 11. TESTAMENT. 12. ADMINISTRATION.

2.

OCCUPANCY still gives the first Occupant a Right to those few Things, which have no legal Owner, or which are incapable of permanent Ownership.

3.

By PREROGATIVE is vested in the Crown, or it's Grantees, the Property of the royal Revenue; (See Book I. Ch. 9, 10.) and also the Property of all

Game in the Kingdom, with the Right of purſuing and taking it.

4.

By SUCCESSION the Right of Chattels is alſo veſted in Corporations AGGREGATE; and likewiſe in ſuch SOLE Corporations, as are the Heads and Repreſentatives of Bodies aggregate.

CHAP. XX.

Of CUSTOM, MARRIAGE, FORFEITURE, *and* JUDGMENT.

1.

BY CUSTOM, obtaining in particular Places, a Right may be acquired in Chattels: The moſt uſual of which Cuſtoms are thoſe relating to, 1. HERIOTS. 2. MORTUARIES. 3. HEIR-LOOMS.

2.

HERIOTS are either Heriot-SERVICE, which differs little from a Rent; or Heriot-CUSTOM, which is a cuſtomary Tribute, of Goods and Chattels, payable to the Lord of the Fee on the Deceaſe of the Owner of Lands.

3.

MORTUARIES are a cuſtomary Gift, due to the Miniſter in many Pariſhes, on the Death of his Pariſhioners.

4. HEIR-

4.

HEIR-LOOMS are ſuch perſonal Chattels, as deſcend by ſpecial Cuſtom to the Heir, along with the Inheritance of his Anceſtor.

5.

By MARRIAGE the Chattels of the Wife are veſted in the Huſband, in the ſame Degree of Property, and with the ſame Powers, as the Wife when ſole had over them; provided he reduces them to Poſſeſſion.

6.

The Wife alſo acquires, by MARRIAGE, a Property in her *Paraphernalia*.

7.

By FORFEITURE, for Crimes and Miſdemeſnors, the Rights of Goods and Chattels may be transferred from one Man to another; either in part, or totally.

8.

Total Forfeitures of Goods ariſe from, 1. Treaſon, and Miſpriſion thereof. 2. Felony. 3. Excuſable Homicide. 4. Outlawry. 5. Flight. 6. Standing mute. 7. Atrocious Contempts. 8. *Praemunire*. 9. Pretended Prophecies. 10. Owling. 11. Reſiding abroad of Artificers. 12. Challenges to fight for Debts at Play.

9.

By JUDGMENT, conſequent on a Suit at Law, a Man may, in ſome caſes, not only RECOVER, but originally ACQUIRE, a Right to perſonal Property.

CHAP. XXI.

Of GRANTS *and* CONTRACTS.

1.

A GRANT, or GIFT, is a voluntary Conveyance of a Chattel perſonal in Poſſeſſion, without any Conſideration or Equivalent.

2.

A CONTRACT is an Agreement, upon ſufficient Conſideration, to do or not to do a particular Thing; And, by ſuch Contract, any perſonal Property (either in Poſſeſſion, or in Action) may be transferred.

3.

Contracts may be either expreſs, or implied; — either executed, or executory.

4.

The CONSIDERATION of Contracts is, 1. A good Conſideration. 2. A valuable Conſideration.

5.

The moſt uſual SPECIES of perſonal Contracts are, 1. SALE or EXCHANGE. 2. BAILMENT. 3. HIRING or BORROWING. 4. DEBT.

6.

SALE or EXCHANGE is a Tranſmutation of Property from one Man to another, in Conſideration of ſome Recompenſe in Value.

7.

BAILMENT is the Delivery of Goods in Truſt; upon a Contract, expreſs or implied, that the Truſt ſhall be faithfully performed by the Bailee.

8. HIRING

8.

HIRING or BORROWING is a Contract, whereby the Poſſeſſion of Chattels is transferred for a particular Time, on Condition that the identical Goods (or, ſometimes, their Value) be reſtored at the Time appointed; together with (in caſe of HIRING) a Stipend or Price for the Uſe.

9.

This Price, being calculated to anſwer the Hazard, as well as Inconvenience, of Lending, gives Birth to the Doctrine of INTEREST, or USURY, upon Loans; and, conſequently, to the Doctrine of INSURANCE.

10.

DEBT is any Contract, whereby MONEY becomes due to the Creditor. This is, 1. A Debt of RECORD. 2. A Debt upon SPECIAL Contract. 3. A Debt upon SIMPLE Contract; which laſt includes Paper Credit, or Bills of Exchange, and promiſſory Notes.

CHAP. XXII.

Of BANKRUPTCY.

1.

BANKRUPTCY (as defined in Ch. 13.) is the Act of becoming a Bankrupt.

2.

Herein may be conſidered. 1. WHO may become a Bankrupt. 2. The ACTS, whereby he may become

come a Bankrupt. 3. The PROCEEDINGS on a Commiſſion of Bankrupt. 4. How his PROPERTY is transferred thereby.

3.

Perſons, of full Age, USING the TRADE of Merchandize, by buying, and ſelling, and ſeeking their Livelyhood thereby, are liable to become Bankrupts; for Debts of a ſufficient Amount.

4.

A Trader, who endeavours to avoid his Creditors, or evade their juſt Demands, by any of the Acts ſpecified in the ſeveral Statutes of Bankruptcy, doth thereby commit an ACT of Bankruptcy.

5.

The PROCEEDINGS on a Commiſſion of Bankrupt, ſo far as they affect the Bankrupt himſelf, are principally by, 1. Petition. 2. Commiſſion. 3. Declaration of Bankruptcy. 4. Choice of Aſſignees. 5. The Bankrupt's Surrender. 6. His Examination. 7. His Diſcovery. 8. His Certificate. 9. His Allowance. 10. His Indemnity.

6.

The PROPERTY of a Bankrupt's perſonal Eſtate is, immediately upon the Act of Bankruptcy, veſted by Conſtruction of Law in the Aſſignees: And they, when they have collected, diſtribute the whole by equal Dividends among all the Creditors.

CHAP.

CHAP. XXIII.

Of TESTAMENT, *and* ADMINISTRATION.

1.

CONcerning TESTAMENTS and ADMINISTRATIONS, conſidered jointly, are to be obſerved, 1. Their ORIGINAL and ANTIQUITY. 2. WHO may make a Teſtament. 3. It's NATURE and INCIDENTS. 4. What are EXECUTORS and ADMINISTRATORS. 5. Their OFFICE and DUTY.

2.

TESTAMENTS have ſubſiſted in ENGLAND immemorially; whereby the Deceaſed was at Liberty to diſpoſe of his perſonal Eſtate, reſerving antiently to his Wife and Children their REASONABLE PART of his Effects.

3.

The Goods of INTESTATES belonged antiently to the King; who granted them to the Prelates to be diſpoſed in pious Uſes: But, on their Abuſe of this Truſt in the times of Popery, the Legiſlature compelled them to delegate their Power to ADMINISTRATORS expreſsly provided by Law.

4.

ALL Perſons may make a Teſtament, unleſs diſabled by, 1. Want of Diſcretion. 2. Want of Freewill. 3. Criminal Conduct.

5. TESTA-

5.

TESTAMENTS are the legal Declaration of a Man's Intentions, which he wills to be performed after his Death. Theſe are, 1. Written. 2. Nuncupative.

6.

AN EXECUTOR is he, to whom a Man by his Will commits the Execution thereof.

7.

ADMINISTRATORS are, 1. *Durante minore Aetate* of an infant Executor or Adminiſtrator. 2. *Cum Teſtamento annexo*; when no Executor is named, or the Executor refuſes to act. 3. General Adminiſtrators; in purſuance of the Statutes of EDWARD III. and HENRY VIII.

8.

The OFFICE and DUTY of Executors, (and, in many points, of Adminiſtrators alſo,) are, 1. To bury the Deceaſed. 2. To prove the Will, or take out Adminiſtration. 3. To make an Inventory. 4. To collect the Goods and Chattels. 5. To pay Debts; obſerving the Rules of Priority. 6. To pay Legacies, either general or ſpecific; if they be veſted, and not lapſed. 7. To diſtribute the undeviſed Surplus, according to the Statute of Diſtributions.

BOOK THE THIRD.

Of PRIVATE WRONGS, *or* CIVIL INJURIES.

CHAPTER I.

Of CIVIL INJURIES; *and their* REDRESS, *by the mere* ACT *of the* PARTIES, *or the mere* OPERATION *of* LAW.

1.

WRONGS are the Privation of RIGHT; and are,
1. PRIVATE. 2. PUBLIC.

2.

PRIVATE WRONGS, or CIVIL INJURIES, are an Infringement, or Privation, of the civil Rights of Individuals, conſidered as Individuals.

3.

The REDRESS of civil Injuries is one principal Object of the Laws of ENGLAND.

4.

This REDRESS is effected by, 1. The mere ACT of the PARTIES. 2. The mere OPERATION of LAW. 3. By BOTH together, or SUIT in COURTS.

5. RE-

5.

REDRESS, by the mere ACT of the PARTIES, is that which arifes, 1. From the SOLE Act of the Party injured. 2. From the JOINT Act of all the Parties.

6.

Of the firft Sort are, 1. Self-Defence. 2. Recaption of Goods. 3. Entry on Lands and Tenements. 4. Abatement of Nufances. 5. Diftrefs; for Rent, or for Damage. 6. Seifing of Heriots, &c.

7.

Of the fecond Sort are, 1. Accord. 2. Arbitration.

8.

REDRESS, effected by the mere OPERATION of LAW, is, 1. Where a Creditor is Executor or Adminiftrator, and is thereupon allowed to retain his own Debt. 2. In the cafe of Remitter; where one, who has a GOOD Title to Lands, &c, comes into Poffeffion by a BAD one, and is thereupon remitted to his antient good Title, which protects his ill-acquired Poffeffion.

CHAP.

CHAP. II.

Of COURTS *in general; and, firſt, of the* PUBLIC *Courts of* COMMON LAW *and* EQUITY.

1.

REDRESS, that is effected by the ACT both of LAW and of the PARTIES, is by SUIT or ACTION in the COURTS of Juſtice.

2.

Herein may be conſidered, 1. The COURTS themſelves. 2. The COGNIZANCE of Wrongs, or Injuries, therein. And, of COURTS, 1. Their NATURE and INCIDENTS. 2. Their ſeveral SPECIES.

3.

A COURT is a Place wherein Juſtice is judicially adminiſtred, by Officers delegated by the Crown: Being either a Court of Record, or not of Record.

4.

INCIDENT to all Courts are a Plaintiff, Defendant, and Judge: And, with us, there are alſo uſually Attorneys; and Advocates or Counſel, viz. either Barriſters, or Serjeants at Law.

5.

Courts of Juſtice, with regard to their ſeveral SPECIES, are, 1. Of a PUBLIC, or general, Juriſdiction throughout the Realm. 2. Of a PRIVATE, or ſpecial, Juriſdiction.

6. PUB-

6.

PUBLIC Courts of Juſtice are, 1. The Courts of COMMON LAW and EQUITY. 2. The ECCLESIASTICAL Courts. 3. The MILITARY Courts. 4. The MARITIME Courts.

7.

The general and public Courts of COMMON LAW and EQUITY are, 1. The Court of Piepoudre. 2. The Court-Baron. 3. The Hundred Court. 4. The County Court. 5. The Court of common Pleas. 6. The Court of King's Bench. 7. The Court of Exchequer. 8. The Court of Chancery. (Which two laſt are Courts of EQUITY as well as LAW.) 9. The Courts of Exchequer-Chamber. 10. The Houſe of Peers. To which may be added, as Auxiliaries, 11, The Courts of Aſſiſe and *Niſi prius.*

CHAP.

CHAP. III.

Of the Reſidue of PUBLIC *Courts; and thoſe alſo of a* PRIVATE *Juriſdiction.*

1.

ECCLESIASTICAL Courts, (which were ſeparated from the TEMPORAL by WILLIAM the Conqueror,) or Courts CHRISTIAN, are, 1. The Court of the Archdeacon. 2. The Court of the Biſhop's Conſiſtory. 3. The Court of Arches. 4. The Court of Peculiars. 5. The Prerogative Court. 6. The Court of Delegates. 7. The Court of Review.

2.

The only permanent MILITARY Court is that of Chivalry; the Courts martial, annually eſtabliſhed by Act of Parliament, being only temporary.

3.

MARITIME Courts are, 1. The Court of Admiralty. 2. The Court of Delegates. 3. The Lords of the Privy Council, and others, authorized by the King's Commiſſion, for Prize-Cauſes.

4.

Courts of a PRIVATE or ſpecial Juriſdiction are, 1. The Foreſt Courts; including the Courts of Attachments, Regard, Sweinmote, and Juſtice-Seat. 2. The Court of Commiſſioners of Sewers. 3. The Court of the Marſhallea and the Palace Court. 4. The Courts of the Principality of WALES.

5. The

5. The Court of the Duchy of LANCASTER. 6. The Courts of the Counties palatine, and other royal Franchiſes. 7. The Stannary Courts. 8. The Courts of LONDON, and other Corporations: — To which may be referred the Courts of Requeſts, or Courts of Conſcience; and the modern Regulations of certain Courts Baron and County Courts. 9. The Courts of the two Univerſities.

CHAP. IV.

Of the COGNIZANCE *of civil Injuries.*

1.

ALL civil Injuries are COGNIZABLE either in the Courts ECCLESIASTICAL, MILITARY, MARITIME, or thoſe of COMMON LAW.

2.

Injuries cognizable in the ECCLESIASTICAL Courts are, 1. PECUNIARY. 2. MATRIMONIAL. 3. TESTAMENTARY.

3.

PECUNIARY Injuries, here cognizable, are, 1. SUBTRACTION of TITHES. For which the Remedy is by Suit to compel their Payment, or an Equivalent; and alſo their double Value. 2. NONPAYMENT of eccleſiaſtical DUES. Remedy: By Suit for Payment. 3. SPOLIATION. Remedy: By Suit for Reſtitution. 4. DILAPIDATIONS, &c. Remedy: By Suit for Damages.

4. MA-