

THE  
First Part  
OF THE  
INSTITUTES  
OF THE  
LAWS of ENGLAND.

Chap. I.

Fee: simple.

Sect. I.

**T**enant en fee simple est ce-luy que ad terres ou tenements a tener a luy & a ses heirs a tous jours. Et est appel en Latin, *Feodum simplex*, quia *feodum* idem est quod *hereditas*, & *simplex* idem est quod *legitimum* vel *purum*, & sic *feodum simplex* idem est quod *hereditas legitima*, vel *hereditas pura*. Car si home voile purchaser Terres ou Tenements en Fee simple, il convient de aver ceux parolr en son purchase, A aver & tener a luy & a ses heirs: Car ceux parolr (ses heirs) font lestate d'heritance. Car si home

**T**enant in Fee-simple is he which hath Lands or Tenements to hold to him and his heirs for ever. And it is called in Latin, *Feodum simplex*, for *Feodum* is the same that Inheritance is, and *Simplex* is as much as to say, lawful or pure; and so *Feodum simplex* signifies a lawful or pure Inheritance. For if a man would purchase lands or Tenements in Fee-simple, it behoveth him to have these Words in his Purchase, To have and to hold to him and to his Heirs; for these Words (his Heirs) make the Estate of Inheritance. For if a Man

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**T**enant (in Vide Sect. 85. Latin *Tenens*) is derived of the Verb *Teneo*, and hath in the Law five Significations. 1. It signifies the Estate of the Land, as when the Tenant in a *Præcipe* of Land pleads, *Quod non Tener*, &c. this is as much as to say, That he hath not Seisin of the Freehold of the Land in Question. And in this Sense doth our Author take it in this Place: And therefore he saith, Tenant in Fee-simple is he which hath Lands to hold to him and his Heirs. 2. It signifieth the Tenure or the Service whereby the Lands and Tenements are holden, and in this Sense it is said in the Writ of right, *quæ clam tenere de te per liberum servitium*, &c. And in this Signification he is called a Tenant or Holder, because all the Lands and Tenements in England in the Hands of Subjects, are holden mediately or immediately of the

48 E. 3. 9.

2 Inst. 501.

4 Inst. 192.