

donques le Seignior  
poit entrer come en  
chose forfeit a luy,  
mes sil voit aliener sa  
terre a un autre, il  
coviensolouqueascun  
coustome de surrender  
les tenements en as-  
cun Court, &c. en le  
maine le Seignior, al  
use celuy que avera le  
state, en tiel forme,  
ou a tiel effect.

Ad hanc Curiam  
venit A. de B. & sur-  
sum reddidit in eadem  
Curia, unum mesua-  
gium, &c. in manus  
Domini, ad usum C. de  
D. & hæred' suorum,  
vel hæredum de cor-  
pore suo exeuntium,  
vel pro termino vitæ  
suæ, &c. Et super hoc  
venit prædictus C. de  
D. & cepit de Domi-  
no in eadem Curia,  
mesuagium prædict',  
&c. Habendum & te-  
nendum sibi & hære-  
dibus suis, vel sibi &  
hæredibus de corpore  
suo exeuntibus, vel si-  
bi ad terminum vitæ,  
&c. ad voluntatem Do-  
mini, secundum con-  
suetudinem Manerii,  
faciendo & reddendo  
inde redditus, servi-  
tia, & consuetudines  
inde prius debita &  
consueta, &c. Et dat  
Domino pro fine, &c.  
Et fecit Domino fide-  
litatem, &c.

the Lord may enter as  
into a Thing forfeited  
unto him. But if he  
will alien his Land to  
another, it behoveth  
him after the Custom  
to surrender the Tene-  
ments in Court, &c.  
into the Hands of the  
Lord, to the Use of him  
that shall have the E-  
state, in this Form or  
to this Effect.

A. of B. cometh un-  
to this Court, and sur-  
rendreth in the same  
Court a Mease, &c. in-  
to the Hands of the  
Lord, to the Use of C.  
of D. and his Heirs, or  
the Heirs issuing of  
his Body, or for Term  
of Life, &c. And upon  
that cometh the a-  
foresaid C. of D. and  
taketh of the Lord in  
the same Court the  
foresaid Mease, &c. To  
have and to hold to  
him and to his Heirs,  
or to him and to his  
Heirs issuing of his  
Body, or to him for  
Term of Life, at the  
Lord's Will, after the  
Custom of the Manor,  
to do and yield there-  
fore the Rents, Ser-  
vices and Customs  
thereof before due and  
accustomed, &c. and  
giveth the Lord for a  
Fine, &c. and maketh  
unto the Lord his Fe-  
alty, &c.

true in Case of Alienation,  
but when a Man hath but a  
Right to a Copyhold, he may  
release it by Deed or by Copy,  
to one that is admitted Te-  
nant de facto.

**Aliener per fait.**  
Here it appeareth by Littleton  
that there must be an Aliena-  
tion: For the making of the  
Deed alone, unless somewhat  
pass thereby, is no Forfeiture:  
As if he make a Charter of  
Feoffment, or a Deed of De-  
mise for Life, and make no  
Liberty, this is no Forfeit-  
ure, because nothing passeth,  
and therefore no Alienation;  
but otherwise it is of a Lease  
for Years. [20]

**Forfeit a luy.** 2 Co. 17.  
This Adjective in Latin is  
forisfactus, the Verb is foris-  
facere, and the Noun foris-  
factura; they are all derived of  
foris (that is) extra, and fa-  
cere, quasi diceret, extra legem  
seu consuetudinem facere, to  
do a Thing against or without  
Law or Custom, and that  
legally is called a Forfeiture.  
Littleton useth this Word but  
once in all his Book. What  
shall be said [a] Forfeitures  
of Copyholds, you may read  
at large in my Reports.

**En ascun Court.**  
[b] This is the general Cu-  
stom of the Realm, that eve-  
ry Copyholder may surren-  
der in Court, and need not  
to alledge any Custom there-  
fore. So if out of Court he  
surrender to the Lord him-  
self, he need not alledge in  
pleading any Custom; but if  
he surrender out of Court in-  
to the Hands of the Lord by  
the Hands of two or three, &c.  
Copyholders; or by the  
Hands of the Bailiff or Reeve,  
&c. or out of Court by the  
Hand of any other, these Cu-  
stoms are particular, and  
therefore he must plead them.

[c] Bracton, lib. 4. fol. 209.  
speaking of these kind of Cu-  
stoms, saith, Dare  
autem non possunt tenemen-  
ta sua, nec ex causa donationis  
ad alios transferre, non magis  
quam villani puri, & unde si  
transferre debeant, restituunt  
ea

Lib. intrat. 131.  
Lib. 4. fo. 25. b. inter  
Kite & Queinton

Post 218. b.

4 Co. 23.

[a] Lib. 4. inter les Co-  
pyhold Cases 21, 23, 25,  
27, 28. Lib. 8. 92, 99,  
100. Lib. 9. 97.  
Lib. 10. 131.

[b] Bract. li. 2. cap. 8.  
15 H. 4. 34. 1 H. 5. 11.

4 Co. 23. 9 Co. 76.  
Post 81. b. 62. a.

[c] Bract. li. 4. fo. 309.  
& lib. 2. c. 8. 3c.  
14 H. 4. 34.  
Post 79. Cro. Jac. 308.