

COMMENTARIES

ON THE

LAWS OF ENGLAND

BY

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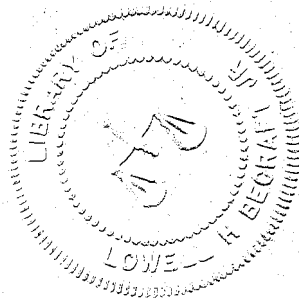
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§ 125. 1. **Pure villeinage: copyhold.**—^[90] From the tenure of pure villeinage have sprung our present *copyhold* tenures, or tenure by copy of court roll at the will of the lord: in order to obtain a clear idea of which it will be previously necessary to take a short view of the original and nature of manors.

§ 126. a. **Manors.**—Manors are in substance as ancient as the Saxon constitution, though perhaps differing a little, in some immaterial circumstances, from those that exist at this day:^a just as we observed of feuds, that they were partly known to our ancestors, even before the Norman Conquest.¹² A manor, *manertum*, a *manendo* (from remaining), because the usual residence of the owner, seems to have been a district of ground, held by lords or great personages; who kept in their own hands so much land as was necessary for the use of their families, which were called *terre dominicales*, or *demesne* lands; being occupied by the lord, or *dominus manerii* (the lord of the manor), and his servants. The other, or *tenemental*, lands they distributed among their tenants: which from the different modes of tenure were called and distinguished by two different names. First, *book-land*, or charter-land, which was held by deed under certain rents and free services, and in effect differed nothing from free socage lands:^b and from hence have arisen most of the freehold tenants who hold of particular manors, and owe

^a Co. Cop. § 2. and 10.

^b Co. Cop. § 3.

¹² **Origin and definition of manors.**—Halsbury's Laws of England (VIII, 3) gives the following as the origin and definition of manors:

"Before the statute of 'Quia Emptores' (18 Edw. I, c. 1, 1290), when the king gave land to one of his subjects and his heirs to hold of the king and his heirs, and the subject, after selecting a portion thereof for his own particular occupation, parceled out the whole or the greater part of the residue to his subordinates to be held of him in return for certain services to be paid or rendered to him by such subordinates, the subject had what was subsequently called a manor. By the statute of 'Quia Emptores' the creation of new manors was rendered impossible, except by express statutory enactment or by the crown under a custom existing before the passing of that statute.

"The nearest approach to an authoritative definition of a manor, without being an exact definition, is, that it is the seisin of a defined district, with the power of subinfeudation therein, and the existence of freeholders holding of the manor, and the right to a court-baron, in which the feudatories are judges."

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