Lib. 2. Tit. 8. § 1. whether corporeal as Lands Milns Locks Woods Territories or incorporeal, as Annualrents Fishing Jurisdiction Pasturage or the like. a Fee in the first Sense is defined, a Right to Lands or any other Thing of Heretage made to one for Fidelity and Service, or some other Thing to be performed by [illegible]. For albeit there be several Sorts of Fees, Fealty (which is the cement of all Feudal policy) tho not expressed is necessarily implied and as an Incident essential & supposed in every one, without which the Fee cannot subsist (Craig [illegible] Lib. 1. Tit. 9. § 10. & 11. in fin. Lib. 2. Tit. 5. § 1. Coke 9 Rep. 123. Case of [illegible] Stryk. Exam. Jur. Feud. cap. 2. Q. 23. and though the Book of Feuds (Lib. 2. Tit. 24. § 1 in fin.) saying, that sunt quaedam Feuda ita data, ut pro his fidelitas non sit praestanda, must be understood of Juramento fidelitatis and not of Fealty in general, as appears from the same Book Tit. 3 in fin. And according to the Feudal Law (Ibid. Lib. 2. Tit. 6 in fin.) and the [illegible]) Vassal was anciently used [illegible], by Reason Fees at first were given to none but military Men. Which if we do not allow it to be a primitive [illegible] [illegible], as Craig (Feud. Lib. 1. Tit. 10. § 12. in fin.) seems to think it is, I shall without noticing other fanciful Etymologies, confine and content myself to agree with Sir Jo. Skene (De verb. Signif. ad verb. vassallus) that vassallus is quasi bassallus, an inferior Person from the French bas low because a Vassal is below his Master, tho each of them be obliged to the other. When a Vassal makes over his Right of the Fee to another, to be held of himself, that other is with us called subvassal, (in England Tenant paravail) to whom the first Vassal is immediate Superior called in England Lord Mesne; and the Vassal's Superior (termed in England Lord Paramount) is called the Subvassal's mediate Superior because another Superior interveens betwixt them. In England he who is immediate Lord to his Tenant is called very Lord, and he who holds immediately of that Lord very Tenant. The Reason of these Terms dominium directum et utile was because it could hardly be determined whether of the two had the Right of Property: some ascribing the Right of the Property to the Superior, and his dominio pro [illegible] a Service thereon to the Vassal, who has the perpetual Use and Profits thereof; and others thinking the Property to be lodged in the Vassal affected only with a Service in Favour of the Superior. For reconciling these Opinions, the Terms of dominium directum et utile, are borrowed from the analogical Distinction in Law of jura vel actiones directae et utiles, whereby neither's Interest hath the Denomination of Service. Craig Ibid. Lib. 1. Tit. 9. § 8 & 9.

(a) Opinion of the Doctors of Sir [illegible] Hamilton [illegible] in Consultatione Feud. Lib. 2. Tit. 6. p. 115. Hamilton De Jure Feud. Lib. 1. cap. 13. Stryk Exam. Jur. Feud. cap. 13. Q. 13. Fealty [illegible] is a mutual Engagement betwixt the Lord and Feudatary, binding on both sides to comply with the feudal Obligations arising from the nature of the original Feud: and that in effect Dominus tantum debet vasallo quantum vasallus Domino cum sacramento [illegible]

2. Another Kind of restricted Property [illegible] Fee, viz. a perpetual Right to Lands or [illegible] or Debts and Sums of Money contained in [illegible] or [illegible] with [illegible] or to the [illegible] entitled for [illegible] perpetual Right [illegible] is grant [illegible]. A Right of this Nature to Sums of Money is called [illegible] a Fee of Money or Debt. The Person [illegible] it is also [illegible] or Proprietor, and those whose Right is only during Life [illegible] I shall first discourse of [illegible] Liferents.

Fees not being all of one Kind, several Divisions of them doth very much light us in the Inquiry about their Nature.

By the feudal Law Fees are either proper or improper. Proper Fees (feuda propria vel recta) are such [illegible] such only, as are purely military: which in all Respects preserve the Nature of a pure original Feud, generously given without Price or Stipulation, to Persons duly qualified for military Service. To which therefore Women are incapable to succeed. Under the Head of improper Fees (feuda impropria & degenerantia, limited or qualified Fees, [illegible] is considered every Estate, howsoever acquired or possessed upon Terms of Fealty, that doth not in point [redacted] of Acquisition Service Acknowledgment Succession or the like strictly conform to the Design and Nature of a proper military Feud, or doth any Way deviate from its original Simplicity. All other Distinctions of Feuds viz. feudum nobile et ignobile, ligium et non ligium, francum et non francum, reale et personale, vel perpetuum et temporale, ecclesiasticum et seculare, antiquum seu paternum et novum, dividuum et individuum, masculinum et femininum; made from Views to the Dignity or Privilges of the Feud, its Continuance or Course of Succession, or the Qualifications and Conditions of the Feudatary, or his Manner of acquiring it, or some Quality superadded to or intrenching upon the Purity and Simplicity of a genuine Feud; depend upon and may be reduced to proper or improper Feuds, which principal Division doth in Truth comprehend all Kinds of them.

In England, it is so absolute a Maxim or principle of the Law of Tenures That all the Lands in England are holden either mediately or immediately of the King, Coke 1 Inst. 65. 2 Inst. 501. Sommer Treatise of Gavelk. 126. That even the King himself cannot give Lands in so absolute and unconditional manner as to set them free from Tenures and therefore if the King should Grant Lands without Reserving any particular Service or Tenure, or if he should in express words declare