

This is called *Vadiatio Legis* Wager of Law from the French *Caçon*,  
 to bet or lay a wagon. So that the party Making his law is sworn  
*de fidelitate*. i. Absolutely, and the other *de fraudulitate*. But this  
 bringing off persons to swear for the Defendant may be dispensed  
 with at the Discretion of the Court. The Lawyers call those who  
 come to ~~swear~~ Purge Defendants, *la cramentales*, French. *les Jura*  
*13. tit. 10. 26* The Canonists term them *Compurgatores* *c. ult. d. de*  
*Purgatione Canonica*. Sir Edward Coke (4 Rep. fol. 95) hath  
 the Custom of Swearing Defendants in presence of their Compurgators  
 In Actions Upon Secret Contracts, to Spring Originally from the  
 Judicial Law of God ~~Exod. 22. 10. 11.~~ But Doctor Cowell (*Law Diction-*  
*nary* Verb. Law) Says it is Borrowed from Normandy, as Appears  
 from the Grand Customary Cap. 85. But this Wager of Law being abolished by the  
 Iniquity of the times the Law was forced to find another way to do Justice, and that was by turning out cases  
 of Secret Contracts into Actions upon the case by Statute's *de Compert.* and bringing Action of *Trover* and  
*Contract* for *Dolours* &c. where the Defendant cannot wage his Law.

Thus far of Origin and property, Real and personal. But since  
 Things cannot allways continue in the same hands, but must  
 according to humane exigencies, be transmitted and pass over  
 from hand to hand, either to Singular, or Universal Successors:  
 I shall in the next place treat first of the transmission  
 of Estates to Singular Successors; and then shew how they are  
 pass'd over to Universal Successors.