

very use of the term "for life" implies an understanding that when the life expired the lord could do with the land as he pleased. It may have been usual to put in the son or other heir of the previous tenant; but the lord was under no legal obligation to do so; and as soon as the point was raised, in 1607, the judges held that an alleged custom to compel the lord to admit in such cases was void.¹ On the other hand, where a grant had been made to a man and his heirs, if the lord refused seisin to the heir he could hardly fail to know that he was doing what was illegal; though, even in this case, the aggrieved heir was denied access to the royal courts down to as late a period as 1468. He could only proceed by way of petition, in the court of the manor, where we can scarcely suppose he was sure of finding justice.

Most customary tenants, however, were probably still admitted to the occupation of land without any such specification of the duration of their holdings. If, under such circumstances, the lord determined to take the land back again into his own hands, it looks as if the law as it stood in 1450 would be upon his side. The two cases of dispossession of a sitting tenant and of refusal to admit the son or other heir of a previous tenant are, of course, distinct, and need separate examination. But the violation of general sentiment would be much the same in either case; the lord's power in either case was, as I conceive it, much the same; and our evidence includes both; so that for the present they may be taken together.

For our first piece of evidence we must go some way back, but it is worth paying some attention to. It is an account of the politic action of a certain Abbot of Abingdon, at the end of the eleventh century. We are told by

¹ Lord Gray's Case, before the Star Chamber, 4 Jac. I. "Il s'clame un custome que puis le mort le tenant pur vie d'un copyhold, le Seignior est compellable de faire un autre estate pur vie al eigne firs or fille sil n'ad firs, et sic in perpetuum . . . Pur le custome les 2 Justices Popham et Cook semblont ceo destre encount' le Ley."—Cases Collect. etc., per Sr Francis Moore, 2d ed., 1675, p. 788, pl. 1088.