

## **SOCAGE & WARD**

Terms expressed herein assembled  
by Michael Joseph, as Beneficiary  
in Yehoshauh, my Redeemer  
by Yehovah my Father

**SOCAGE**, Eng. law. A **tenure of lands** by certain inferior services in husbandry [farming], and not knight's service, in lieu of all other services. Litt. sect. 117.

**Socage** was one of the feudal duties and hence [land tenure](#) forms in the [feudal system](#). A farmer, for example, held the land in exchange for a clearly-defined, fixed payment to be made at specified intervals to his feudal lord, who in turn had his own feudal obligations to the Crown. In theory this might involve supplying the lord with produce but most usually it meant a straightforward payment of cash, i.e., [rent](#).

The English statute [Quia Emptores](#) of [Edward I \(1290\)](#) established that socage tenure passed automatically from one generation to the next (unlike [leases](#)). As feudalism declined, socage tenure increased until it became the normal form of tenure in [England](#). In [1660](#), the [Statute of Tenures](#) ended the remaining forms of military service and all free tenures were converted into socage.

The holder of a *soc* or socage tenure was referred to as a *socager* (Anglo-Norman) or *socman* (Anglo-Saxon).

**LEASE**, n.

1. **A demise** or **letting of lands, tenements or hereditaments to another for life**, for a term of years, or at will, **for a rent** or compensation reserved; also, the contract for such letting.
2. **Any tenure by grant** or permission.

**LET**, v

2. To lease; **to grant possession and use for a compensation;**

**DEMISE**, v

1. To transfer or convey; to lease.

**WARDSHIP**, Eng. law. **Wardship was the right of the lord over the person and estate of the tenant**, when the latter was under a certain age. When a tenant by knight's service died, and his heir was under age, the lord was entitled to the custody of the person and the lands of the heir, without any account, until the ward, if a male,

should arrive at the age of twenty-one years, and, if a female, at eighteen. **Wardship was also incident to a tenure in socage,** but in this case, not the lord, but the nearest relation to whom the inheritance could not descend, was entitled to the custody of the person and estate of the heir till he attained the age of fourteen years; **at which period the wardship ceased and the guardian was bound, to account.** Wardship in copyhold estates partook of that in chivalry and that guardian like the latter, he was required lib. 7, c. 9; Grand Cout. c. 33; Reg. Maj. c. 42.

**INCIDENT.** A thing depending upon, appertaining to, or following another, called the principal.

2. The power of punishing for contempt is incident to a court of record; rent is incident to a reversion; distress to rent; estovers of woods to a tenancy for a life or years. 1 Inst. 151; Noy's Max. n. 13; Vin. Ab. h. t.; Dane's Ab. h. t.; Com. Dig. h. t., and the references there; Bro. Ab. h. t.; Roll's Ab. 75.

I am thinking that the Warranty DEED may be in SOCAGE and therefore if the Heir does not show, then WARDSHIP is incident [I like to think of it as Required]. Therefore a County Attorney [ATTORNER] is required – Esquire.

## **ESQUIRE.**

2. In England, it is a title next above that of a gentleman, and below a knight. Camden reckons up four kinds of esquires, particularly regarded by the heralds: 1. **The eldest sons of knights and their eldest sons, in perpetual succession.** 2. The eldest sons of the younger sons of peers, and their eldest sons in like perpetual succession. 3. Esquires created by the king's letters patent, or other investiture, and their eldest sons. 4. Esquires by virtue of their office, **as justices of the peace, and others who bear any office of trust under the crown.**

Tangent: check out those titles: “gentleman”, “knight”, “peers”

Now, I believe, that the Tenant is actually an UNDER-TENANT in WARDSHIP.

**UNDER-TENANT.** One who holds by virtue of an **underlease.**

**UNDERTAKING,** contracts. An engagement by one of the parties to a contract to the other, **and not the mutual engagement of the parties to each other; a promise.** 5 East, R. 17; 2 Leon. 224, 5; 4 B. & A. 595.

**UNDERLEASE**, contracts. An alienation [transfer] by a tenant of a part of his lease, reserving to himself a reversion; it differs from an assignment, which is a transfer of all the tenant's interest in the lease. 3 Wils. 234; S. C. Bl. Rep. 766. And even a conveyance of the whole estate by the lessee, reserving to himself the rent, with a power of re-entry for non-payment, was held to be, not an assignment, but an underlease. Str. 405. In Ohio it has been decided that the transfer of only a part of the lands, though for the whole term, is an underlease; 2 Ohio, R. 216; in Kentucky, such a transfer, on the contrary, is considered as an assignment. 4 Bibb. R. 538.

**Comment:** Therefore an Assignment is an alienation or transfer of all the tenant's interest in the lease. Remember what a lease is again (lands, tenements and heredements). An undertaking is a made by one party to another absent mutual engagement to each other a sort of promise to perform. Sort of like **Undertaking to an Oath.**

Notice also that a **WARDSHIP** is a Trust where the Ward [child = ignorant or heir has not shown up to claim] Therefore the estate is held in **WARD**. The **WARD** is the true Beneficiary or Heir.

**TENANT**, estates. One who holds or possesses lands or tenements **by any kind of title**, either in fee, for life, for years, or at will. See 5 Mann. & Gr. 54; S. C. 44 Eng. C. L. Rep. 39; 5 Mann. & Gr. 112; Bouv. Inst. Index, h . t.

Comments: Before we continue we must gain comprehension of **TENURE OF LANDS**:

**TENURE**, estates. The manner in which lands or tenements are holden. 2. According to the English law, all lands are held mediately or immediately from the king, as lord paramount and supreme proprietor of all the lands in the kingdom. Co. Litt. 1 b, 65 a; 2 Bl. Com. 105.

3. The idea of tenure; pervades, to a considerable degree, the law of real property in the several states; the title to land is essentially allodial, **and every tenant in fee simple has an absolute and perfect title, yet in technical language, his estate is called an estate in fee simple**, and **the tenure free and common socage**. 3 Kent, Com. 289, 290. In the states formed out of the North Western Territory, it seems that the doctrine of tenures is not in force, and that real estate is owned by an absolute and allodial title. This is owing to the wise provisions on this subject contained in the celebrated ordinance of 1787. Am. Jur. No. 21, p. 94, 5. In New York, 1 Rev. St. 718; Pennsylvania, 5 Rawle, R. 112; Connecticut, 1 Rev. L. 348 and Michigan, Mich. L. 393, feudal tenures have been abolished, and lands are held by allodial titles. South Carolina has adopted the statute, 12 C. II., c. 24, which established in England the tenure of free and common socage. 1 Brev. Dig. 136. Vide Wright on Tenures; Bro. h. t.; Treatises of Feuds and Tenures by Knight's service; 20 Vin Ab. 201; Com. Dig. h. t.; Bac. Ab. h. Thom. Co. Litt. Index, h. t.; Sulliv. Lect. Index, h. t.

There must always be Consideration or retribution for a created USE.

**RENT**, estates, contracts. A certain profit in money, provisions, chattels, or labor, **issuing out of lands and tenements** in retribution **for the use**. 2 Bl. Com. 41; 14 Pet. Rep. 526; Gilb., on Rents, 9; Co. Litt. 142 a; Civ. Code of Lo. art. 2750; Com. on L. & T. 95; 1 Kent, Com. 367; Bradb. on Distr. 24; Bac. Ab. h. t.; Crabb, R. P. SSSS 149-258.

Back to the Warranty DEED:

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, to have and to hold in fee simple forever.

**LAND TENANT.** He who actually possesses the land. **He is technically called the terre-tenant.**

**What's a USE?** I apologize in advance as I am going to go thru some terms but now I put them in Order with greater comprehension:

**USE**, estates. A confidence reposed in another, who was made **tenant of the land** or **terre tenant**, that he should dispose of the land **according to the intention of the cestui que use**, or him to whose use it was granted, and suffer him to take the profits. Plowd. 352; Gilb. on Uses, 1; Bac. Tr. 150, 306; Cornish on Uses, 1 3; 1 Fonb. Eq. 363; 2 Id. 7; Sanders on Uses, 2; Co. Litt. 272, b; 1 Co. 121; 2 Bl. Com. 328; 2 Bouv. Inst. n. 1885, et seq.

Who is the terre tenant? FIRST MIDDLE LAST - Estate

**Notice the Tenant is a Trustee.** Now, the trustee shall obey the direction of the cestui que use [we will get there soon] it is granted to allow the TENANT to take the profits, proceeds, avails or rents. The latter is personal property. **Therefore the Trustee is compensated for the USE thru the Grant of Personal Property arising out of the LAND in retribution for the USE.**

2. In order to create a use, there must always be a good Consideration; though, when once raised, it may be passed by grant to a stranger, without consideration. Doct. & Stu. , Dial. ch. 22, 23; Rob. Fr. Conv. 87, n.

3. Uses were borrowed from the fidei commissum (q. v.) of the civil law; it was the duty of a Roman magistrate, the praetor fidei commissarius, whom Bacon terms the particular chancellor for uses, to enforce the observance of this confidence. Inst. 2, 23, 2.

## FIDEI-COMMISSUM

civil law. **A gift which a man makes to another**, through the agency of a third person, who is requested to perform the desire of the giver. For example, when a testator writes, "I institute for my heir, Lucius Titius," he may add, "I pray my heir, Lucius Titius, to deliver, as soon as he shall be able, my succession to Caius Seius: cum igitur aliquis scripserit Lucius Tilius heres esto, potest ajicere, rogo te Luci Titi, ut cum poteris hereditatem meam adire, eam Caio Sceio reddas, restituas. Inst. 2, 23, 2, vide Code 6, 42.

[Back to USE](#)

3. The uses of the common law, it is said, were borrowed from the Roman fidei-commissum. 1 Cru. Dig. 388, Bac. Read. 19, 1 Madd. Ch. 446-7.

4. Uses were introduced into England by the ecclesiastics in the reign of Edward III or Richard II, for the purpose of avoiding the statutes of mortmain; and the clerical chancellors of those times held them to be fidei commissa, and binding in conscience. To obviate many inconveniencies and difficulties, which had arisen out of the doctrine and introduction of uses, the statute of 274 Henry VIII, c. 10, commonly called the statute of uses, or in conveyances and pleadings, the statute for transferring uses into possession, was passed. It enacts, that "when any person shall be seised of lands, &c., to the use, confidence or trust of any other person or body politic, the person or corporation entitled to the use in fee simple, fee tail, for life, or years, or otherwise, shall from thenceforth stand and be seised or possessed of the land, &c., of and in the like estate as they have in the use, trust or confidence; and that the estates of the persons so seised to the uses, shall be deemed to be in him or them that have the use, in such quality, manner, form and condition, as they had before in the use." The statute thus executes the use; that is, it conveys the possession to the use, and transfers the use to the possession; and, in this manner, making the cestui que use complete owner of the lands and tenements, as well at law as in equity. 2 Bl. Com. 333; 1 Saund. 254, note 6.

**ALL STOP:** "The statute thus executes the use; that is, it conveys the possession to the use, and transfers the use to the possession; and, in this manner, **making the cestui que use complete owner of the lands and tenements,** as well at law as in equity."

5. A modern use has been defined to be an estate of right, which is acquired through the operation of the statute of 27 Hen. VIII., c. 10; and which, when it may take effect according to the rules of the common law, is called the legal estate; and when it may not, is denominated a use, with a term descriptive of its modification. Cornish on Uses, 35.

6. The common law judges decided, in the construction of this statute, that a use could not be raised upon a use; Dyer, 155 A; and that on a feoffment to A and his heirs, to the use of B and his heirs, in trust for C and his heirs, the statute executed only the first use, and that the second was a mere nullity. The judges also held that, as the statute mentioned only such persons as were seised to the use of others, it did not extend to a term of years, or other chattel interests, of which a term or is not seised but only possessed. Bac. Tr. 336; Poph. 76; Dyer, 369; 2 Bl. Com. 336; The rigid literal construction of the statute by the courts of law again opened the doors of the chancery courts. 1 Madd. Ch. 448, 450.

Comment: A feoffment is a Grant: So Grantor, grants to Grantee, to the use of State? County?

Remember Grantee is considered a Tenant and the Consideration for the USE is in the proceeds, avails, Rents, etc. issuing out of the Land.

USE AND OCCUPATION. When a contract has been made, either by express or implied agreement, for the use of a house or other real estate, where there was no amount of rent fixed and ascertained, **the landlord can recover a reasonable rent in an action of assumpsit for use and occupation.** 1 Munf. R. 407; 2 Aik. R. 252; 7 J. J. Marsh. 6; 4 Day, R. 228; 13 John. R. 240; 13 John. R. 297; 4 H. & M. 161; 15 Mass. R. 270; 2 Whart. R. 42; 10 S. & R. 251.

**CESTUI QUE USE.** He to whose use ["A"] land is granted to another person ["B"] the latter is called the terre-tenant, having in himself the legal property and possession; yet not to his own use, but to dispose of it according to the directions of the cestui que use, and to suffer [allow] him [trustee] to take the profits. Vide Bac. Read. on Stat. of Uses, 303, 309, 310. 335, 349; 7 Com. Dig. 593.

Comment: Dispose goes to Disposition or Will of a Person.

**CESTUI QUE TRUST**, to signify the beneficiary of an estate held in trust. He for whose benefit another person is enfeoffed or seised of land or tenements, or is possessed of personal property. The cestui que trust is entitled to receive the rents and profits of the land; he may direct such conveyances, consistent with the trust, deed or will, as he shall choose, and the trustee (q. v.) is bound to execute them: he may defend his title in the name of the trustee. 1 Cruise, Dig. tit. 12, c. 4, s. 4; vide Vin. Ab. Trust, U, W, X, and Y 1 Vern. 14; Dane's Ab. Index, h. t.: 1 Story, Eq. Jur. 321, note 1; Bouv. Inst. Index, h. t.

**ESTATE**. This word has several meanings: 1. In its most extensive sense, it is applied to signify every thing of which riches or, fortune may consist and includes personal and real property; hence we say personal estate, real estate. 8 Ves. 504. 2. In its more limited sense, the word estate is applied to lands, It is so applied in two senses. The first describes or points out the land itself, without ascertaining the extent or nature of the interest therein; as "my estate at A." The second, which is the proper and technical meaning of estate, is the degree, quantity, nature and extent of interest which one has IN real property; as, an estate in fee, whether the same be a fee simple or fee tail; or an estate for life or for years, &c. Lord Coke says: Estate signifies such inheritance, freehold, term of years, tenancy by statute merchant, staple, eligit, or the like, as any man hath in lands or tenements, &c. Co. Lit. §650, 345 a. See Jones on Land Office Titles in Penna. 165-170.

2. In Latin, it is called status, because it signifies the condition or circumstances in which the owner stands with regard to his property.

**CESTUI QUE VIE**. He for whose life land is holden by another person; the latter is called tenant per autre vie, or tenant for another's life. Vide Dane's Ab. Index, h. t.

**AUTER**. Another.

**CLAIM**. A challenge of the ownership of a thing which a man has not in possession, and a challenge of the ownership of a thing that is wrongfully withheld by another. Plowd. 359; Wee i Dall.444; 12 S. & R. 179.

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Analysis and Summation:

1. A Tenant is a Trustee undertaking for another who is the Cestui Que Use; therefore, a USE is in the Tenant for the benefit of the CQU.
2. I believe the Tenure of Lands is in Free Tenure and Common Socage; whereby the Socage is being held by the Socman; and since the heir has never made a claim, the Estate is held in Trust in Wardship.

3. Wardship is incident therefore to Socage.
4. Are not all records recorded on the County Registry? Even the Birth Certificate, I believe has its roots in the County Registrar by the Register of Deeds.
5. Has anybody ever asked why is there a County Attorney downtown? For what cause?
6. I posit that the County Attorney awaits a claim and finding none, he claims the property for the County, making the County the Socman in Wardship or said another way a higher up Trustee holding the Estate property in Trust awaiting the heir.
7. The Estate property is in TRUE NAME FAMILY.
8. Looking at Wardship closely, when the Wardship ceases the guardian is bound to account.

Therefore, it is not proper to claim the Birth Certificate because in fact while we can benefit from it and we do – some of us – we are not the Trustee; as the BC is in fact a Certificate of Beneficial Interest in the Estate – being held in Trust – awaiting a claim. It is more proper to claim the accounts attached to the Estate, because as Heir said accounts are your property.

Therefore look again. The Estate is holding Property awaiting a Claim. Therefore the Estate is lawfully in seisin.

Now, I think the clowns downtown know fully that we are living sentient beings, but until a Rightful Claim comes forth their hands are bound in office of Trust Under the Crown.

When the Claim comes forth, Down becomes Up [Pirates of the Carribean]. Because the man in office of Tenant [Trustee/Grantee] now comes forth with the Rightful Claim and the Statute executes the Use and the Wardship is terminated such that the man now becomes the Cestui Que Use with complete ownership. And, now instead of government being the master in Wardship, government becomes the vassal in Oath – Servant – ready to receive the Lawful Order of one who will issue one upon their office of trust, as justice of the peace.

Terms expressed herein are referenced in Bouvier Law Dictionary found :

<http://www.constitution.org/bouv/bouvier.htm>

and Reference.com found : <http://www.reference.com/browse/socage>

Shalom,  
Michael Joseph

P.S. This is my argument for my position. These ideas are thrown into the forum for discussion and contemplation. If you think me wrong then prove me wrong, but for your sake and mine, do not trust in this man or any other man, do you own work. The foregoing assemblage is made by the hand of Michael Joseph for the benefit of all who read; however I, Michael Joseph, trust in Yehoshuah my Savior, my Redeemer by Yehovah, my Father.