FEE-SIMPLE. In English law. A freehold estate of inheritance, absolute and unqualified. It stands at the head of estates as the highest in dignity and the most ample in extent; since every other kind of estate is derivable thereout, and mergeable therein. It may be enjoyed not only in land, but also in advowsons, commons, estovers, and other hereditaments, as well as in personalty, as an annuity or dignity, and also in an upper chamber, though the lower buildings and soil belong to another. Wharton.

In American law. An absolute or fee-simple estate is one in which the owner is entitled to the entire property, with unconditional power of disposition during his life, and descending to his heirs and legal representatives upon his death intestate. Code Ga. 1882, § 2246. And see Friedman v. Steiner, 107 Ill. 131; Woodberry v. Matherson, 19 Fla. 785; Lyle v. Richards, 9 Serg. & R. (Pa.) 374; Loventhal v. Home Ins. Co., 112 Ala. 108, 20 South. 419, 33 L. R. A. 258, 57 Am. St. Rep. 17; Dumont v. Dufore, 27 Ind. 267.

Fee-simple signifies a pure fee; an absolute estate of inheritance; that which a person holds inheritable to him and his heirs general forever. It is called "fee-simple," that is, "pure," because clear of any condition or restriction to particular heirs, being descendible to the heirs general, whether male or female, lineal or collateral. It is the largest estate and most extensive interest that can be enjoyed in land, being the entire property therein, and it confers an unlimited power of alienation. Haynes v. Bourn, 42 Vt. 686.

A fee-simple is the largest estate known to the law, and where no words of qualification or limitation are added, it means an estate in possession, and owned in severalty. It is undoubtedly true that a person may own a remainder or reversion in fee. But such an estate is not a fee-simple; it is a fee qualified or limited. So, when a person owns in common with another, he does not own the entire fee,—a fee-simple; it is a fee divided or shared with another. Brackett v. Ridlon, 54 Me. 426.

Absolute and conditional. A fee simple absolute is an estate which is limited absolutely to a man and his heirs and assigns forever, without any limitation or condition. Frisby v. Ballance, 7 Ill. 144. At the common law, an estate in fee simple conditional was a fee limited or restrained to some particular heirs, exclusive of others. But the statute "De Donis" converted all such estates into estates tail. 2 Bl. Comm. 110.