seisin whereof he might make a feoffement. And this is grounded upon the said statute of *W.* 1. the words whereof be, *S'il neit son garrantor en present,* (1) *que luy voile garranter de son gree, et maintenant enter en respons,* otherwise the tenant must be driven to his *warrantia cartæ.*

Vide 20. E. 1. Statute de vocat. ad warrant.

[g] 22. H. 6. 15. 19. H. 6. 73. 20. H. 6. 73. 2. H. 4. 13. 41. E. 3. Garr. 15. 43. E. 3. 17. 43. Ass. 42. 12. Ass. 17. 12. E. 3. taile 3. 22. E. 4. 16. b. 44. E. 3. 10. 44. Ass. Bassingborn's. Ass. lib. 10. fol. 97. Seymour's case.

[g] But a warrantie of it selfe cannot enlarge an estate; as if the lessor by deed release to his lessee for life, and warrant the land to the lessee and his heires, yet doth not this enlarge his estate.

[h] Lib. 3. fo. 63. Lincolne College case.

[h] If a man make a feoffement in fee with warrantie to him, his heires and assignes by deed (as it must be), and the feoffee enfeoffeth another by paroll, the second feoffee shall vouche, or have a *warrantia cartæ* (as hath beene said) as assignee, albeit he hath no deed of the assignment, because the deed comprehending the warrantie, doth extend to the assignees of the land; and he is a sufficient assignee, albeit he hath no deed.

[i] 29. E. 3. 70. 17. E. 2. Joinder in action 1. 11. E. 4. 8.

[i] If a man infeoffe two, their heires and assignes, and one of them make a feoffement in fee, that feoffee shall not vouch as assignee. (2)

If a man make a feoffement in fee to *A.* his heires and assignes, *A.* infeoffeth *B.* in fee, who re-infeoffeth *A.* he or his assignes shall never vouche, for *A.* cannot be his own assignee. But if *B.* had infeoffed the heire of *A.* he may vouche as assignee; for the heire of *A.* may be assignee to *A.* inasmuch as he claimeth not as heire.

[k] 14. H. 4. 3.

[k] If a man make a feoffement by deed of lands to *A.* to have and to hold to him and his heires, and bind him and his heires to warrant the land *in formâ prædictâ*; this warrantie shall extend to the feoffee and his heires: but if he had warranted the land to the feoffee, the warrantie had not extended to his heires, except the words had beene to him and his heires.

(Ant. 20. b.)

If a man letteth lands for life, the remainder in taile, the remainder *eâdem formâ,* this is a good estate taile, *quia idem semper refertur proximo præcedenti.* (3)

Sect. 734.

*ITEM, si tenant en taile soit seisie des * terres devisables per testament solonque le custome, &c. et le tenant en tayle alien † mesmes les tenements a son frere en fee, et ad issue, et devie, et puis son frere devisa per son testament mesmes les tenements a un auter en fee, et oblige luy et ses heires a garrantie, &c. et morust sans issue; il semble que cest garrantie ne barrera my l'issue en tayle, s'il voit sues son briefe de* formedon, *pur ceo que cest garrantie ne discendera my al issue en le tayle, entant que le uncle del issue ne fuit my oblige a le garrantie en sa vie: ne ‡ que il ne puissoit garranter les tenements en sa vie, entant que le devise ne puissoit prender ascun execution ou effect, forsque apres son decease. Et entant que le uncle en son vie ne fuit tenus de garranter, tiel garrantie ne poit discender*

ALSO, if tenant in taile be seised of lands devisable by testament after the custome, &c. and the tenant in the tayle alieneth the same tenements to his brother in fee, and hath issue, and dieth, and after his brother deviseth by his testament the same tenements to another in fee, and bindeth him and his heires to warrantie, &c. and dieth without issue; it seemeth that this warrantie shall not barre the issue in the taile, if hee will sue his writ of *formedon,* because that this warrantie shall not descend to the issue in tayle, in so much as the uncle of the issue was not bound to the same warrantie in his lifetime: neither could hee warrant the tenements in his life, insomuch as the devise could not take any execution or effect until after his decease. (4) And insomuch as the uncle in his life was not

* *terres—tenements,* L. and M. and Roh. † *mesmes* not in L. and M. nor Roh. ‡ *que il ne* not in L. and M. nor Roh.

(1) i.e. if he have not his *warrantor* present.

(2) The other may vouch for his moiety, as is observed in the preceding page: but if they make partition, both have lost it. Hob. 25.

(3) A man enfeoffeth three by deed, and warranteth the land to them, *et cuilibet eorum,* this is a joint warranty, because the estate or interest was joint, but if the estates were several, the warranty would be several. 5. Rep. 19.

(4) Upon a similar principle it was held, that a person could not devise land in frankmarriage, because the donee could not hold of the donor. Ant. 24. b.

der de luy al issue en le tayle, &c. car nul chose poit discender del auncester a son heire, sinon que mesme ceo fuit en l'auncester.

held to warrantie, such warrantie may not descend from him to the issue in the tayle, &c. for nothing can descend from the ancestour to his heire, unlesse the same were in the ancestour. (1)

HERE our author declareth one of the maximes of the common law, that the heire shall never be bound to any expresse warrantie, but where the ancestor was bound by the same warranty; for if the ancestor were not bound, it cannot descend upon the heire, which is the reason here yeelded by *Littleton*. [*l*] If a man make a feoffement in fee, and binde his heires to warrantie, this is void by the warrant of this maxime, as to the heire, because the ancestor himselfe was not bound. Also, if a man binde his heires to pay a summe of money, this is void. And of the other side, if a man binde himselfe to warranty, and binde not his heires, they be not bound; for he must say, as it appeareth before, *Ego et hæredes mei warrantizabimus, &c.* [*m*] And *Fleta* saith, *Nota quòd hæres non tenetur in Angliâ ad debita antecessoris reddenda, nisi per antecessorem ad hoc fuerit obligatus, præterquàm debita regis tantùm: A fortiori* in case of warrantie, which is in the realtie.

But a warrantie in law may binde the heire, although it never bound the ancestour, and may be created by a last will and testament. [*n*] As if a man devise lands to a man for life or in taile reserving a rent, the devisee for life or in taile shall take advantage of this warrantie in law, albeit the ancestor was not bounden, and shall binde his heires also to warrantie, although they be not named. Also an expresse warrantie cannot be created without deed, and a will in writing is no deed, and therefore an expresse warrantie cannot be created by will.

(6. Rep. 33. 2. Cro. 570. 10. Rep. 95.)

[*l*] 31. E. 1. Grant. 85. (Hob. 130. Ant. 213. b.)

Bracton li. 2. fo. 37. 238. Britton, fol. 106. b.

[*m*] Fleta, lib. 2. cap. 55. Britton, fol. 65. b. 11. H. 6. 48. (4. Rep. 80. Ante 209. a.)

[*n*] 18. E. 3. 8.

Sect. 735.

*AUXY, un garrantie ne poit aler * solonque la nature des tenements per le custome, &c. mes tantsolement solonque le forme del common ley. Car si le tenant en taile soit seisie des tenements en burgh English, lou le custome est, que touts les tenements deins mesme le borough devoyent discender a le fits puisne, et il discontinua le tayle ove garrantie, &c. et ad issue deux fits, et morust seisie des auters terres ou tenements en mesme le burgh en fee simple a le value ou pluis de les tenements tailes, &c. uncore le puisne fits avera un* formedon *de les † terres tailes, et ne serra my barre per le garrantie son pere, coment que assets a luy discendist en fee simple de mesme le pere, solonque*

ALSO, a warranty cannot goe according to the nature of the tenements by the custome, &c. but onely according to the forme of the common law. For if the tenant in taile be seised of tenements in borough English, where the custome is, that all the tenements within the same borough ought to descend to the youngest sonne, and hee discontinueth the taile with warranty, &c. and hath issue two sonnes, and dyeth seised of other lands or tenements in the same borough in fee simple to the value or more of the lands entailed, &c. yet the youngest sonne shall have a *formedon* of the lands tailed, and shall not bee barred by the warrantie of his father, albeit assets descended to him in fee simple from his said father

le

* *solonque—sans*, L. and M. and Roh. † *terres—tenements*, L. and M. and Roh.

(1) It is a general rule, that the heir cannot take any thing by descent when the ancestor is secluded from taking. Ant. 99, b.— If a father and his heir apparent join in a warranty, the heir is doubly bound, by his own warranty, and as heir to his father. Moor. 20,

*le customе, &c. pur ceo que le garrantie discendist a son eigne frere que est en pleine vie *, et nemy sur le puisne. † Et en mesme le maner est de collaterall garrantie fait de tiels tenements, lou le garrantie discendist sur l'eigne fits, &c. ceo ne barrera my le puisne fits, &c.*

according to the custome, &c. because the warranty descendeth upon his elder brother who is in full life, and not upon the youngest. And in the same manner is it of collaterall warranty made of such tenements, where the warranty descendeth upon the eldest sonne, &c. this shall not barre the younger son, &c.

Sect. 736.

(8. Rep. 86.)

EN mesme le maner est de tenements en le countie de Kent, queux sont appelles gavelkind, les queux tenements sont departibles enter les freres, &c. solonque la custome ‡; si ascun tiel garrantie soit fait per son auncester, tiel garrantie discendera tantsolement al heire que est heire al common ley, § c'estascavoir, al eigne frere, solonque la conusans del common ley, et nemy a touts les heires queux sont heires de tiels tenements solonque le custome ‖.

IN the same manner is it of lands in the county of Kent, that are called gavelkinde, which lands are dividable betweene the brothers, &c. according to the custome; if any such warrantie be made by his ancestor, such warrantie shall descend onely to the heire which is heire at the common law, that is to say, to the elder brother, according to the conusance of the common law, and not to all the heires that are heires of such tenements according to the custome.

Vid. Sect. 603. 718. & 737. (2. Rep. 25.) [n] 11. E. 3. Det. 7. 11. H. 7. 12.

[o] 17. E. 3. Joint. 41. 16. H. 7. 13. 29. E. 3. 46. 12. H. 7. 3. 22. E. 3. 1. 17. E. 3. 8. 30. E. 3. 40. 19. H. 6. 55. Lib. 3. fol. 14. Matthew Herbert's case. (1. Leon. 322. March. 125. Allen 41. Savil. 692. Clay. 3.)

HEREUPON a diversitie is to be observed betweene the lien reall, and the lien personall; for the lien reall, as the warrantie, doth ever descend to the heire at the common law; [n] but the lien personall doth binde the speciall heires, as all the heires in gavelkind, and the heire on the part of the mother, as hath beene said.

[o] If two men make a feoffement in fee with a warranty, and the one die, the feoffee cannot vouche the survivor only, but the heire of him that is dead also; (1) but otherwise, if two joyntly binde themselves in an obligation, and the one die, the survivor only shall be charged.

Sect. 737.

ITEM, si tenant en le taile ad issue deux files per divers venters, et morust, et les files entront, et un estrange eux disseisist de mesmes les tenements, et l'un de ¶ eux relessa per son fait a le disseisor tout son droit, et oblige luy et ses heires a garrantie, et morust sans issue: en cest case la

ALSO, if tenant in taile hath issue two daughters by divers venters, and dieth, and the daughters enter, and a stranger disseiseth them of the same tenements, and one of them releaseth by her deed to the disseisor all her right, and binde her and her heires to warrantie, and die without issue: in this case the soer

* *&c.* added L. and M. and Roh. † *Et* not in L. and M. nor Roh. ‡ *&c.* added L. and M. and Roh. § *c'estascavoir al eigne frere, solonque la conusans del common ley,* not in L. and M. nor Roh. ‖ *&c.* added L. and. M. and Roh. ¶ *eux—les filles,* L. and M. and Roh.

(1) This seems to be contradicted in Moore 20, where it is said, that if two are vouched, and one of them makes default, the grand *cape ad valentiam* shall issue against him who made the default; and if one of them dies, the heir and the survivor of them may be vouched, or the survivor of them only, at the election of him who hath the warranty.

soer que survesquist poit bien enter et ouster le disseisor de touts les tenements, pur ceo que tiel garrantie n'est pas discontinuance ne collateral garrantie a la soer que survesquist, pur ceo que ils sont de demy sanke, et l'un ne poit estre heire a l'auter, solonque le cours del common ley. Mes auterment est, lou y sont files del tenant en taile per un mesme venter.

sister which surviveth may well enter, and oust the disseisor of all the tenements, because such warrantie is no discontinuance nor collaterall warrantie to the sister that surviveth, for that they are of halfe bloud, and the one cannot be heire to the other, according to the course of the common law. But otherwise it is, where there bee daughters of tenant in taile by one venter.

THE reason of this is in respect of the halfe bloud, whereof sufficient hath beene said in the first booke, in the Chapter of Fee Simple.

Two brothers be by demy venters; the eldest releaseth with warrantie to the disseisor of the uncle, and dieth without issue, the uncle dieth, the warrantie is removed, and the younger brother may enter into the land. (Ante 12. a. 14. a.)

Sect. 738.

*ITEM, si tenant en taile lessa les tenements a un * home pur terme de vie, le remainder a un auter en fee, et un collateral auncester confirma le state del tenant a terme de vie, et oblige luy et ses heires a garrantie pur terme de vie del tenant a terme de vie, et morust, et le tenant en taile ad issue et devie; ore l'issue est barre a demander les tenements per briefe de* formedon *durant le vie le tenant a terme de vie, per cause del collateral garrantie descendu sur le issue en le taile. Mes apres le decease de le te-*

ALSO, if tenant in taile letteth the lands to a man for terme of life, the remainder to another in fee, and a collaterall ancestor confirmeth the state of the tenant for life, and bindeth him and his heires to warrantie for terme of the life of the tenant for life, and dieth, and the tenant in taile hath issue and dies; now the issue is barred to demand the tenements by writ of *formedon* during the life of tenant for life, because of the collaterall warrantie descended upon the issue in taile. But after the decease of the tenant for life,

HERE it appeareth, that a warrantie may be raised by a confirmation which transferreth neither estate nor right, whereof sufficient hath beene said before. (Vide Sect. 733. & 706.) (Ant. 385.)

A garrantie pur terme de vie, &c. [p] This proveth that a warrantie may be limited, and that a man may warrant lands aswell for terme of life or in taile, as in fee. (1) ([p] 38. E. 3. 14. 16. E. 3. Vouch. 87.)

If tenant in fee simple that hath a warrantie for life, either by an expresse warrantie or by *dedi*, be impleaded and vouch, hee shall recover a fee simple in value, albeit his warrantie were but for terme of life, because the warrantie extended in that case to the whole estate of the feoffee in fee simple; (2) but in the case that *Littleton* here putteth, the tenant for life shall recover in value but an estate for life, because the warrantie doth extend to that estate only. (4. Rep. 80. Ant. 383. Hob. 156.) (2. Cro. 453.)

Un briefe de formedon, &c. Here is implyed, that a collaterall warrantie giveth no right, but (F. N. B. 211. b. 217. b. 219. c.)

* *home* not in L. and M. nor Roh.

(1) From this it appears, that the warranty ceases on the expiration of the estate to which it is annexed. In Smith v. Tyndal, Salk. 685, 686, it was resolved, that no warranty extinguishes a right, but only binds or bars it so long as the warranty continues in force; for if the warranty be released, the ancient right revives.

(2) Though the warrant be temporary, yet the thing warranted and to be recovered is perpetual; for it is a warranty of a fee, tho' not a warranty in fee. Hob. 126.

but shall barre only for life, and after the partie is restored to his action.

It is also to bee observed, that a warrantie may descend to the heires of him that made it during the life of another.

*tenant a terme de vie, l'issue avera un * briefe de* formedon, *&c.*

the issue shall have a writ of *formedon*, &c.

Sect. 739.

(9 Rep. 120.)

ET sur ceo jeo aye oye un reason, que cel case provera un auter case, scilicet, si un home lessa ses terres a un auter, a aver et tener a luy et a ses heires pur terme d'auter vie, et le lessee morust vivant celuy a que vie, &c. et un estrange enter en la terre que le heire le lessee luy poit ouster, † &c. pur ceo que en le case procheine avantdit, entant que home poit obliger luy et ses heires a garrantie al tenant a terme de vie tantsolement, durant la vie le tenant a ‡ terme de vie, et cel garrantie discendist al heire celuy que fist le garrantie, lequel garrantie n'est pas garrantie d'enheritance, mes tantsolement pur terme d'auter vie: per mesme le reason lou tenements sont lessés a un home, a aver et tener a luy et a ses heires pur terme d'auter vie, si le || lessee morust vivant celuy a que vie, son heire avera les tenements, vivant celuy a que vie, &c. Car ont dit, que si home grant un annuitie a un auter, a aver et perceiver a luy et a ses heires pur terme d'auter vie, si le grantee morust, &c. que apres § son mort son heire avera l'annuitie durant la vie celuy a que vie, &c. Quære de istâ materiâ.

AND upon this I have heard a reason, that this case will prove another case, viz. if a man letteth his lands to another, to have and to hold to him and to his heires for terme of another's life, and the lessee dieth living *celuy a que vie*, &c. and a stranger entreth into the land that the heire of the lessee may put him out, &c. because in the case next aforesaid, inasmuch as a man may binde him and his heires to warrantie to tenant for life only, during the life of the tenant for life, and this warrantie descendeth to the heire of him which made the warrantie, the which warrantie is no warrantie of inheritance, but only for terme of another's life: by the same reason where lands are let to a man, to have and to hold to him and his heires for terme of another's life, if the lessee die living *celuy a que vie*, his heires shall have the lands, living *celuy a que vie*, &c. For they have said, that if a man grant an annuitie to another, to have and to take to him and his heires for terme of another's life, if the grantee die, &c. that after his death his heire shall have the annuitie during the life of *celuy a que vie*, &c. *Quære de istâ materiâ.*

Jeo

* *briefe de* not in L. and M. nor Roh. † *&c.* not in L. and M. nor Roh. ‡ *terme* not in L. and M. nor Roh.
|| *lessee—pier*, L. and M. and Roh. § *son mort* not in L. and M. nor Roh.

JEO ay oye un reason. Here our student is taught after the example of our author, to observe everie thing that is worth the noting.

Si un home less. terres a un auter, &c. This case is without question, [q] that the heire of the lessee shall have the land to prevent an occupant. And so it is (as *Littleton* here saith) in case of an annuitie, or of any other thing that lieth in grant, whereof there can be no occupant. And of this somewhat hath beene said in the Chapter of Discents. (1)

[q] 17. E. 3. 48. 18. E. 3. 12. 11. H. 4. 42. 7. H. 4. 46. 8. H 4. 15. Dy. 8. El. 253. 18. H. 8. 3. 27. H. 8. 21. H. 8. tit. Enat. Br. 50. 19. E. 3. tit. Account. 50. 33. Ass. p. 17. 22. H. 6. 33. 39. E. 3. 37. Vide Sect. 387. (Ant. 41. b.)

Sect. 740.

*MES lou tiel lease ou grant est fait a un home et a ses heires pur terme d'ans, en cest case l'heire le lessee ou le grantee n'avera unques apres la mort le lessee ou le grantee ceo que est issint lessee ou grant, pur ceo que est chattel real, et *chateux realx per le common ley viendra al executors del grantee, ou del lessee, et nemy al heire.* †

BUT where such lease or grant is made to a man and to his heires for terme of yeares, in this case the heire of the lessee or the grantee shall not after the death of the lessee or the grantee have that which is so let or granted, because it is a chattell reall, and chattels realls by the common law shall come to the executors of the grantee, or of the lessee, and not to the heire.

HERE is a generall rule, that chattels reals aswell as chattels personals shall goe to the executors or administrators of the lessee, and not to his heires. For as estates of inheritance or freehold descendible shall goe to the heire, so chattels, aswell reall as personall, shall goe to the executors or administrators.

11. E. 3. tit. Ass. 88. 11. Ass. 21. 10. El. Dy. 276.

See ant. 46. b.

(9. Rep. 36. 5. Rep. 25. 33.)

[r] But if the king's tenant by knight's service *in capite* be seised of a mannor, whereunto an advowson is appendant, and the church become void, the tenant dieth, his heire within age, the king shall present to the church, and not the executor or administrator: but if the land be holden of a common person, in that case the executor shall present, and not the gardeine.

[r] 24. E. 3. 26. F. N. B. 33. b. F. N. B. 34. a. (Ant. 90. Sect. 125.)

[s] If a bishop hath a ward fallen and dieth, the king shall not have the ward nor the successor, but the executor and the ward shall be assets in his hands. So it is of heriot, releefe, and the like. [t] But if a church become void in the life of a bishop, and so remaine untill after his decease, the king shall present thereunto, and not the executor or administrator; for nothing can be taken for a presentment, and therefore it is no assets.

[s] 40. E. 3. 14.

[t] 9. H. 6. 58. 11. H. 4. 74.

Sect. 741.

ITEM, en ascuns cases il poit estre, que coment que un collaterall garrantie soit fait en fee, &c. uncore tiel garrantie poit estre defeat et anient. Sicome tenant en taile

ALSO, in some cases it may bee, that albeit a collaterall warrantie be made in fee, &c. yet such a warrantie may be defeated and taken away. As if tenant in taile discontinue the taile

ET morust sans issue, &c. Here (as before in this Chapter hath been noted) the collaterall warrantie doth descend upon the issue in taile, before any right doth descend unto him, wherein this diversitie is to bee observed. Where the right is in *esse* in any of the ancestors of the heire, at the time of the discent

Vide Sect. 707.

* *touts* added L. and M. and Roh.

† *&c.* added L. and M. and Roh.

(1) But several alterations have been made in the law of occupancy, by statutes passed since sir Edward Coke's time. See ant. 41. b. note 5.

diſcontinue le taile en fee, et le diſcontinuee eſt diſſeiſie, et le frere del tenant en le taile releſſa per ſon fait a le diſſeiſor tout ſon droit, &c. ove garranty en fee, et moruſt ſans iſſue, et le tenant en le taile ad iſſue et devie; ore l'iſſue eſt barre de ſon action per force del collateral garrantie diſcendue ſur luy. Mes ſi apres ceo le diſcontinuee enter ſur le diſſeiſor, donques poit l'heire en le taile aver bien ſon action de formedon, &c. *pur ceo que le garrantie eſt aniente et deſeate, car quant garrantie eſt fait a un home ſur eſtate que adonques il avoit, ſi l'eſtate ſoit deſeat le garrantie eſt deſeat.*

in fee, and the diſcontinuee is diſſeiſed, and the brother of the tenant in taile releaſeth by his deed to the diſſeiſor all his right, &c. with warrantie in fee, and dieth without iſſue, and the tenant in taile hath iſſue and die; now the iſſue is barred of his action by force of the collaterall warrantie deſcended upon him. But if afterwards the diſcontinuee entreth upon the diſſeiſor, then may the heire in taile have well his action of *formedon, &c.* becauſe the warrantie is taken away and defeated, for when a warrantie is made to a man upon an eſtate which hee then had, if the eſtate be defeated, the warrantie is defeated.(1)

cent of the collaterall wartantie, there albeit the warrantie deſcend firſt, and after the right doth deſcend, the collaterall warrantie ſhall binde, as here in this caſe of our author expreſſely appeareth. But where the right is not in *eſſe* in the heire, or any of his anceſtors, at the time of the fall of the warrantie, there it ſhall not binde. [u] As if lord and tenant be, and the tenant make a feoffment in fee with warrantie, and after the feoffor purchaſe the ſeigniorie, and after the tenant ceſſe, the lord ſhall have a *ceſſavit*; for a warrantie doth extend to rights precedent, and never to any right that commenceth after the warrantie; whereof more ſhall be ſaid in this Section. Alſo a warrantie ſhall never barre any eſtate that is in poſſeſſion, reverſion or remainder, that is not deveſted, diſplaced, or turned to a right before, or at the time of the fall of the warrantie.

(10. Rep. 95.)

[u] 7. E. 3. 48 30. H. 8. 42.

(10. Rep. 95.)

[w] If a leaſe for life be made to the father, the remainder to his next heire, the father is diſſeiſed and releaſeth with warrantie and dieth; this ſhall barre the heire, although the warrantie doth fall, and the remainder commeth in *eſſe* at one time.

[w] Lib. 1. fol. 67. Archer's caſe.

[y] If there be father and ſonne, and the ſonne hath a rent ſervice, ſuit to a mill, rent charge, rent ſecke, common of paſture, or other profit *apprender* out of the land of the father, and the father maketh a feoffment in fee with warrantie, and dieth, this ſhall not barre the ſonne of the rent, common, or other profit apprender, *quamvis clauſula ſpecialis warrantiæ vel acquietanciæ in cartis tenentium inſeratur, quia in tali caſu tranſit terra cum onere:* and he that is in ſeiſin or poſſeſſion need not to make any entrie or claime: and albeit the ſonne after the feoffment with warrantie, and before the death of the father, had beene diſſeiſed, and ſo being out of poſſeſſion, the warrantie deſcended upon him, yet the warrantie ſhould not binde him, becauſe at the time of the warrantie made, the ſonne was in poſſeſſion. [*] So if my collaterall anceſtor releaſe to my tenant for life, this ſhall not binde my reverſion or remainder, becauſe that the reverſion or remainder continued in me. But if he that hath a rent, common, or any profit out of the land in taile, diſſeiſe the tenant of the land, and maketh a feoffment of the land, and warrant the land to the feoffee and his heires; [a] regularly the warrantie doth extend to all things iſſuing out of the land, that is to ſay, to warrant the land in ſuch plight and manner, as it was at in the hand of the feoffor, at the time of the feoffment with warrantie; and the feoffee ſhall vouch, as of lands diſcharged of the rent, &c. at the time of the feoffment made.

[y] Temps E. 1. Voucher 296. 31. Aſſ. 13. 22. Aſſ. 56. 41. Aſſ. 6. 23. E. 3. tit. Gar. 74. Lib. 10. fol. 97. E. Seymour's caſe.
(9. Rep. 106.)

[*] 45. E. 3. 31. 21. H. 7. 11.

Vide Sect. 698.
[a] 21. E. 4. 26. 21. H. 7. 9. 3. H. 7. 4. 7. H. 4. 17. 30. H. 8. Dier 42. 31. E. 3. 30. 9. E. 3. 78. 45. E. 3. Voucher 72. F. N. B. 125. 14. H. 8. 6.
(Ant. 366. b. Moor. 56.)

A woman that hath a rent charge in fee entermarrieth with the tenant of the land, an eſtranger releaſeth to the tenant of the land with warrantie; he ſhall not take advantage of this warrantie either by voucher or *warrantia cartæ*; for the wife, if her huſband die, or the heire of the wife living the huſband, cannot have an action for the rent upon a title before the

(1) In the former caſes put by Littleton, the warranty determined, upon the natural expiration of the eſtate to which it was annexed: here it determines by the eſtate being defeated. But if an eſtate be bound by a warranty, and afterwards the eſtate to which the warranty is annexed be defeated as to a particular eſtate only, the warranty ſhall not be defeated. As if tenant for life, remainder to *A.* be diſſeiſed, and an anceſtor of *A.* releaſes to the diſſeiſor with warranty and dies, and afterwards tenant for life enters or recovers, yet the remainder will be bound by the warranty. See 2. Roll. Abr. 740. l. 40. 741. l. 5. And ſee Com. Dig. vol. 3. 434, 435.

the warrantie made; for if the heire of the wife bring an assise of *mordauncester*, this action is grounded after the warrantie, whereunto, as hath beene said, the warrantie shall not extend.

So it is if the grantee of the rent grant it to the tenant of the land upon condition, which maketh a feoffement of the land with warrantie, this warrantie cannot extend to the rent, albeit the feoffement was made of the land discharged of the rent; for if the condition be broken, and the grantor be intituled to an action, this must of necessitie be grounded after the warrantie made.

(Ant. 366. b.)

(Ant. 202.)

But in the case aforesaid, when the woman grantee of the rent marrieth with the tenant, and the tenant maketh a feoffement in fee with warrantie, and dieth, in a *cui in vitá* brought by the wife (as by law she may), [*b*] the feoffee shall vouche as of lands discharged at the time of the warranty made, for that her title is paramont: so if tenant in taile of a rent charge purchase the land, and make a feoffement with warrantie, if the issue bring a *formedon* of the rent, the tenant shall vouche *causâ quâ supra*.

[*b*] 7. H. 4. 17.

[*] But some doe hold, that a man shall not vouche, &c. as of land discharged of a rent service.

[*] 10. E. 4. 9. b. 18. E. 3. 55. 44. E. 3. 19.

[*c*] Also, no warrantie doth extend unto meere and naked titles, as by force of a condition with clause of re-entry, exchange, mortmaine, consent to the ravisher and the like, because that for these no action doth lye; and if no action can be brought, there can be neither voucher, writ of *warrantia cartæ*, nor rebutter, and they continue in such plight and essence as they were by their originall creation, and by no act can be displaced or devested out of their originall essence, and therefore cannot be bound by any warrantie.

[*c*] Lib. 10. fol. 97. E. Stymore's case. 22. Ass. pl. 38. 31. Ass. p. 13. 41. Ass. p. 6. 33. E. 3. Gar. 74.
(2. Cro. 593. Dyer 224. a. 3. Inst. 210. 10. Rep. 98. b. Ant. 205. a. Plowd. 363. b.)

[*d*] And albeit a woman may have a writ of dower to recover her dower, yet because her title of dower cannot be devested out of the originall essence, a collaterall warrantie of the ancestor of the woman shall not barre her. So it is of a feoffement *causâ matrimonii prælocuti*.

[*d*] 34. E. 3. tit. droit 72. 21. E. 4. 82.
(4. Rep. Vernon's case.)

[*e*] A warrantie doth not extend to any lease, though it be for many thousand yeares, or to estates of tenant by statute staple, or merchant, or *elegit*, or any other chattle, but only to freehold or inheritances, as it appeareth in all *Littleton*'s cases which he putteth in this Chapter. And this is the reason, that in all actions which lessee for yeares may have, a warrantie cannot be pleaded in barre, as in an action of trespasse, or upon the statute of 5. *R.* 2. and the like. But in those actions when the freehold or inheritances doe come in question, there the warrantie may be pleaded: but in such actions which none but a tenant of the freehold can have, as upon the statute of 8. *H.* 6. assise, or the like, there a warrantie may be pleaded in barre. (1)

[*e*] 21. E. 4. 18. 82. 1. H. 7. 12. 22. 11. H. 7. 15, 16. 20. H. 7. 2. b. 14. H. 7. 22. 43. E. 3. 25. per Finch. in quar. Imp. 15. H. 7. 9. Lib. 10. fol. 97.
(Ant. 101. 366. Hob. 14. 28. 2. Saund. 180.)

Quant garrantie est fait a un home sur estate, que adonques il avoit, si l'estate soit defeat, le garrantie est defeat. Here it appeareth, that although a collaterall warrantie be descended, [*f*] yet if the state whereunto the warrantie was annexed be defeated, albeit it be by a meere stranger (as in this case that *Littleton* here puts by the discontinuee), the warrantie is defeated; and although the discontinuance remaine, and no remitter wrought to the heire, yet the warrantie is defeated, and barre removed, so as the issue in taile may have his *formedon*, and recover the land. *Subiato principali tollitur adjunctum.* (2)

[*f*] 3. H. 7. 9. b. 16. E. 3. tit. Continual Claime 10. 9. H. 4. 8. Pl. Com. 158.
(10. Rep. 95.)

Sect. 742.

*EN mesme le manner est, si le discontinuee fait feoffement en fee, reservant a luy un certaine rent, et pur default de payment un re-entry, &c. et un collateral * garrantie de ancester est fait a celuy feoffee que ad estate sur condition, &c. et morust sans issue, coment que cel garrantie discenderoit sur l'issue en taile, uncore si apres le rent soit arerere, et le*

IN the same manner it is, if the discontinuee make a feoffement in fee, reserving to him a certain rent, and for default of payment a re-entrie, &c. and a collaterall warrantie of the ancestour is made to the feoffee that hath the estate upon condition, &c. and dieth without issue, albeit that this warranty shall descend upon the issue in tayle, yet if after the rent be behind, and the dis-

* *garrantie de auncester est fait—auncestor release,* in L. and M. and Roh.

(1) The feoffee with warranty cannot take any advantage of the warranty, unless he be tenant of the land. 20. H. 8. 3. b.

(2) If a man make a feoffment with warranty, non feoffment is a good plea, for if the feoffment be avoided, the warranty also is avoided, for that depends upon the feoffment. But if the man makes a lease for years, and covenants that he will warrant and defend the land to the lessee; if the lessee be ousted, whether it be by one that hath or that hath not title, he shall have a writ of covenant. Brownlow Rep. part 2. fol. 165.

discontinuee entra en la terre *, *adonques avera l'issue en taile son recovery per briefe de* formedon, *pur ceo que le collateral garranty est defeat. Et issint si ascun tiel collateral garranty soit pleder envers l'issue en le taile, en son action de* formedon, *il poit montrer le matter come est avantdit, coment le garrantie est defeat, &c. et issint il poit bien maintainer son action,* † *&c.*

discontinuee enter into the land, then shall the issue in taile have his recovery by writ of *formedon*, because the collaterall warranty is defeated. And so if any such collaterall warrantie be pleaded against the issue in taile, in his action of *formedon*, he may shew the matter as is aforesaid, how the warrantie is defeated, &c. and so hee may well maintaine his action, &c.

(10. Rep. 95.)

HERE *Littleton* putteth another case upon the same ground and reason, viz. where the state whereunto the warrantie is annexed is defeated, there the warrantie it selfe is defeated also, which is one of the maximes of the common law.

Sect. 743.

ITEM, si tenant en taile fait un feoffement a son uncle, et puis l'uncle fait un feoffement en fee ovesque garrantie, &c. a un auter, et puis le feoffee del uncle enfeoffa areremaine l'uncle en fee, et puis l'uncle enfeoffa un estrange en fee sans garrantie, et morust sauns issue, et le tenant en tayle morust, si issue en le taile voyle porte son breve de formedon *envers l'estrange que fuit le darrein feoffee,* ‡ *et ceo per l'uncle, l'issue ne serra unque barre per le garrantie que fuit fait per le uncle al dit primer feoffee de son uncle, pur ceo que le dit garrantie fuit defeat et anient, pur ceo que l'uncle a luy* ‖ *reprist cy grand estate de son* § *primer feoffee a que le garrantie fuit fait, sicome mesme le feoffee avoit de luy. Et la cause pur que le garrantie est anient en ceo cas est ceo, scilicet, que si le garrantie estoieroit en sa force, donque l'uncle garrantera a luy mesme, que ne poit estre.*

ALSO, if tenant in taile make a feoffement to his uncle, and after the uncle make a feoffement in fee with warranty, &c. to another, and after the feoffee of the uncle doth re-enfeoffe againe the uncle in fee, and after the uncle enfeoffeth a stranger in fee without warrantie, and dieth without issue, and the tenant in tayle dieth, if the issue in tayle will bring his writ of *formedon* against the stranger that was the last feoffee, and that by the uncle, the issue shall not be barred by the warranty that was made by the uncle to the first feoffee of his uncle, for that the said warrantie was defeated and taken away, because the uncle tooke backe to him as great an estate from his first feoffee to whom the warrantie was made, as the same feoffee had from him. And the cause why the warranty is defeated is this, viz. that if the warrantie should stand in his force, then the uncle should warrant to himselfe, which cannot be.

Here

* *&c.* added L. and M. and Roh.
† *&c.* not in L. and M. nor Roh.
‡ *&c.* added L. and M. and Roh.
‖ *reprist—prist*, L. and M. and Roh.
§ *dit* added in L. and M. and Roh.

HERE *Littleton* putteth another case where a warrantie may be defeated. as when the uncle taketh backe as large an estate as he had made, the warrantie is defeated, because he cannot warrant land to himselfe. [g] And so it is if the uncle had made the warrantie to the feoffee, his heires and assignes, and taken backe an estate in fee, and after infeoffed another, yet the warrantie is defeated, for that he cannot be assignee to himselfe, and a man shall not regularly vouche himselfe as assignee of a fee simple, and the law will not suffer things inutile and unprofitable. [h] And yet if the father be infeoffed with warrantie to him and his heires, the father infeoffeth his heire apparant in fee and dieth, he (as it hath beene said) shall vouch himselfe, and the heire in borow English, by reason the act in law determined the warrantie betweene the father and the sonne.

[i] But if a man maketh a feoffement in fee with warrantie to the feoffee, his heires and assignes, and the feoffee re-enfeoffeth the feoffor and his wife, or the feoffor and any other stranger, the warrantie remaineth still; or if two doe make a feoffement with warrantie to one and his heires and assignes, and the feoffee re-enfeoffe one of the feoffors, the warrantie doth also remaine.

(Vaugh. 389.) [g] Temps E. 1. Voucher 266. 40. E. 3. 14. 44. E. 3. 38. 25. E. 3. 43. b. 26. E. 3. 68. 14. E. 3. Vouch. 106. 16. E. 3. Voucher 87. 19. E. 3. Vouchee 122. 17. E. 3. 73. 74. 20. H. 6. 29. (2. Roll. Abr. 739.) [h] 40. E. 3. 14. a. 41. E. 3. 25. a. (Ant. 384. Roll. Abr. 98. a.) [i] 11. H. 4. 20. 42. 17. E. 3. 47. 59 18. E. 3. 56. 29. E. 3. 46. 39. E. 3. 9. (Vaugh. 389.)

See W. Jo. 457.

Sect. 744.

*MES si le feoffee fesoit estate al uncle pur terme de vie, ou en taile, savant le reversion, &c. ou que il fait done en taile al uncle, ou un leas pur terme de vie, le remainder ouster, &c. en cest cas le garrantie n'est * pas tout oustrement anient, mes est mis en suspence durant l'estate que l'uncle ad. Car apres ceo que l'uncle est mort sans issue, + &c. donques celuy en le reversion, ou celuy en le remainder, barreroit l'issue en tayle en son briefe de* formedon *per le collateral garranty en tiel cas, &c. Mes autrement est lou l'uncle avoit auxy graund estate en la terre de le feoffee, a que le gar-*

BUT if the feoffee had made an estate to his uncle for terme of life, or in taile, saving the reversion, &c. or a gift in tayle to the uncle, or a lease for terme of life, the remainder over, &c. in this case the warrantie is not altogether taken away, but is put in suspence during the estate that the uncle hath. For after that that the uncle is dead without issue, &c. then he in the reversion, or he in the remainder, shall barre the issue in taile in his writ of *formedon* by the collaterall warranty in such case, &c. But otherwise it is where the uncle hath as great estate in the land of the feoffee to whom the warrantie was made, as the feoffee

PUR terme de vie, ou en taile. Here it appeareth [k] that by taking a [l] lease for life, or a gift in taile, the warrantie is suspended.

A man infeoffeth a woman with warrantie, they intermarry and are impleaded, upon the default of the husband, the wife is received, she shal vouch her husband, &c. notwithstanding the warranty was put in suspence. [m] And so on the other side, if a woman infeoffe a man with warrantie, and they intermarry and are impleaded, the husband shall vouche himselfe and his wife by force of the said warrantie.

[n] An infant *en ventre sa mere* may be vouched if God give him a birth, and if not, such a one heire to the warrantie; but he cannot be vouched alone without the heire at the common law, for proces shall be presently awarded against him.

Mes est mise en suspence. [o] Tenant in tayle maketh a feoffement in fee with warrantie, and disseiseth the discontinuee, and dyeth seised, leaving assets to his issue. Some hold that in respect of this suspended warrantie and assets, the issue

[k] 16. E. 3. Vouch. 87. 44. E. 3. 38. 26. E. 3. 56. 17. E. 3. 47. 10. E. 3. 30. 12. E. 3. Counterplea de vouch. 41. 14. E. 3. ib. 12. (4. Rep. 52.) [l] 6. E. 2. Vouch. 257. 3. E. 3. ib. 201. 5. E. 3. ib. 178. 18. E. 3. 52. 14. E. 3 Vouch. 109. 31. E. 3. ibid. 25. 43. E. 3. 7. 41. E. 3. 38. 32. E. 3. Voucher 102.

[m] 4. E. 2. Voucher 243. 246.

(Ant. 348. a.) [n] Temps E. 1. Gard. 153. 31. E. 1. Briefe 873. 8. E. 2. Vouch. 237. 11. E. 3. ibid. 13. 11. E. 3. quar. imp. 158. 38. E. 3. 7. & 29. 41. E. 3. in Dower. 9. H. 6. 24. Pl. Com. Stowel's case per. Saunders & Browne. [illegible handwritten annotation]

[o] 21. E. 3. 36. a. & b. 38. E. 3. 21. 41. E. 3. 26. 45. E. 3. Title 32. 41. E. 3. ib 31. 33. E. 3. ib. 4. (3. Leon. 10. Cro. Car. 145.) [illegible handwritten annotation]

* *pas* not in L. and M. nor Roh. + &c. added L. and M. and Roh.

issue in taile shall not be remitted, but that the discontinuee shall recover against the issue in taile, and he take advantage of his warrantie, if any hee hath, and after in a *formedon* brought by the issue, the discontinuee shall barre him in respect of the warrantie and assets; and so every man's right saved. (1)

rantie fuit fait, come le feoffee avoit de luy. Causa patet.

hath himselfe. *Causa patet.*

Sect. 745.

ITEM, si l'uncle apres tiel feoffement fait ove garrantie, ou release fait per luy ove garranty, soit attaint de felony, ou utlage de felony, tiel collaterall garrantie ne barrera my ne greevera l'issue en le taile, pur ceo, que per le attainder de felonie, le sanke est corrupt enter eux, &c.

ALSO, if the uncle after such feoffment made with warrantie, or a release made by him with warranty, be attaint of felony, or outlawed of felony, such collaterall warrantie shall not bar nor grieve the issue in the taile, for this, that by the attainder of felony, the bloud is corrupted betweene them, &c.

Sect. 733. 706.

OU release fait per luy ove garrantie. Note a warrantie grounded upon a release. Hereof you shall reade before in this Chapter.

8. E. 2. Voucher 237. (Plowd. 397. a.)

(5. Rep. 109. Ant. 13. a. b.)

Soit attaint de felony, ou utlage, &c. Note, according to *Littleton* here, there be two manner of attainders: the one is after apparance, and that in three manners; by confession, by battell, or by verdict: the other upon proces to bee outlawed, which is an attainder in law. But (as hath beene said) there is a great diversitie, as to the forfeiture of land, betweene an attainder of felony by outlawry upon an appeale, and upon an inditement: for in the case of an appeale the defendant shall forfeit no lands, but such as he had at the time of the outlawrie pronounced; but in case of inditement, such as hee had at the time of the felony committed. And the reason of this diversitie is evident; for that in the case of appeale there is no time alleaged in the writ when the felony was done, and therefore of necessitie it must relate in that case only to the judgement of the outlawry: but in the case of inditement there is a certain time alleaged, and therefore in that case it shall relate to the time alleaged in the inditement when the felony was committed. But in the case of the inditement there is also a diversitie to be observed; [o] for, as hath beene said, it shall relate to the time alleaged in the inditement for avoyding of estates, charges, and incumbrances, made by the felon after the felony committed; but for the meane profits of the land it shall relate only to the judgement, aswell in this case of outlawrie as in other cases. And where *Littleton* saith, (*attaint de felony*) if a man be convicted of felony by verdict, and delivered to the ordinary to make purgati n [p] hee cannot be vouched, for that the time of his purgation (if any should be) is uncertaine, and the demandant cannot be delayed upon such an uncertaintie; but the tenant is not without remedie, for hee may have his *warrantia cartæ*.

[o] 33. E. 3. Forfeiture 30. 38. E. 3. 31. 3. E. 4. 25. 19. E. 4. 2. Pl. Com. 488. b.

[p] 8. E. 2. Voucher 237. Vid. 38. E. 3. 29. b. Simile.

Attaint. Of this word hath beene spoken in the second Booke in the Chapter of Villenage.

Upon severall attainders of felonies, there lye three severall writs of escheate, viz. [*] first, when he hath judgement to be hanged: secondly, when he is outlawed: thirdly, when he abjureth the realme.

[*] Dame Hale's case in Pl. Com. fol. 262.

[q] The defendant in an appeale of death did wage battell, and was slaine in the field, yet judgement was given that he should be hanged; and the justices said, that it is altogether necessarie that such a judgement be given, for otherwise the lord could not have a writ of escheate. [r] And in eire it hath been seene, that a man hath beene attainted after his death by presentment, &c (2) The difference betweene a man attainted and convicted is, that a man is said convict before hee hath judgement; as if a man bee convict by confession, verdict, or recreancie. And when he hath his judgement upon the verdict, confession, or recreancy,

[q] 8. E. 3. Judgement 225.

[r] 15. E. 3. Petition 2.

(1) *But clearly, if the warranty were never executed, as in the case of fine* sur render *with warranty and assets, there shall be a remitter.* Lord Hale's MSS.

(2) In Lambarde's Justice of Peace, ch. 10. it is said, that if a man be attainted of murder or felony, it is needless to arraign him of new of any other felony, because it is needless to condemn him who already is attainted, except in special cases, either for the advantage of the king, or the commodity of the subject. The author then proceeds to state several examples of both the exceptions. In 4. Rep. fol. 57, sir Edward Coke observes, that though a man be killed in rebellion, he shall not forfeit his lands nor goods; but if the chief justice (soveraign coroner of England) upon the view of the body, make record thereof, and return it into the king's bench, he shall forfeit lands and goods, as Fineux, chief-justice, did temp. H. 7.

recreancie ; or upon the outlawrie, or abjuration, then is he said to be attaint. And thus is the law taken at this day, notwithstanding [*f*] some diversitie of opinions in our bookes.

If a felon be convicted by verdict, confession, or recreancie, he doth forfeit his goods and chattels, &c. presently. [*t*] For where a reason hath beene yeelded in our bookes, that the praying of his clergie was a refusall of the judgement of the law, and a flight in law, and for that cause he forfeited his goods and chattels, that doth not hold ; for if a man be convict of petie treason, or murder, or any other crime, for which he cannot have his clergie, yet by the verie conviction he forfeiteth his goods and chattels before attainder. And [*u*] *Stanford* (speaking of a felon convict by verdict) saith, that he shall forfeit his goods which he had at the time of the verdict given, which is the conviction in that case ; and by the statute of 1 *R.* 3. *cap.* 3. no sheriffe, bailiffe, &c. shall seise the goods of a felon before hee bee convicted of the felony ; whereby it appeareth, that the goods may be seised as forfeit after conviction. And the [*x*] old statute is worthy of noting : *Provisum est in curiâ nostrâ coram justiciariis nostris, quòd de cetero nullus homo captus pro morte hominis vel aliâ feloniâ pro quâ debet imprisonari, dissiesiatur de terris et tenementis vel catallis suis quousque convictus fuerit.* So as by a conviction of a felon, his goods and chattels are forfeited ; but by attainder, that is by judgement given, his lands and tenements are forfeited, and his bloud corrupted, and not before.

[*y*] If the partie upon his arraignment refuse to answer according to law, or say nothing, he shall not be adjudged to be hanged, but for his contempt, to *peine fort et dure*, which worketh no attainder for the felony, nor forfeiture of his lands, or corruption of bloud. But in case of high-treason, if the partie refuse to answer according to law, or say nothing, hee shall have such judgement by attainder, as if he had beene convicted by verdict or confession. (1)

Felony. (*) *Ex vi termini significat quodlibet capitale crimen felleo animo perpetratum*, in which sense murder is said to be done *per feloniam*, and is so appropriated by law, as *felonicè* cannot be expressed by any other word. [*a*] And in antient times this word (*felonicè*) was of so large an extent as it included high-treason ; and therefore in our antient bookes, by the pardon of all felonies, high-treason, or counterfeiting of the great seale, and of the king's coine, &c. was pardoned. [*b*] But afterwards it was resolved, that in the king's pardon or charter, this word (*felonie*) should only extend to common felonies, and that high-treason should not be comprehended under the same, and therefore ought to be specially named. And yet that a pardon of all felonies should extend to petite treason ; wherefore by the law at this day under the word (felony) in commissions, &c. is included petite treason, murder, homicide, burning of houses, burglarie, robberie, rape, &c. chance-medly, *se defendendo*, and petite larceny. [*c*] For such of these crimes for the which any shall have this judgement, to be hanged by the necke till he be dead, he shall forfeit all his lands in fee simple, and his goods and chattels : for felony by chance-medly, or *se defendendo*, or petite larceny, he shall forfeit his goods and chattels, and no lands of any estate of freehold or inheritance. And all felonies punishable according to the course of the common law, are either by the common law, or by statute. There is also a felony punishable by the civill law, because it is done upon the high sea, as pyracie, robberie, or murder, whereof the common law did take no notice, because it could not be tried by twelve men. If this pyracie be tried before the lord admirall in the court of the admiraltie, according to the civill law, and the delinquent there attainted, yet shall it worke no corruption of bloud, nor forfeiture of his lands ; otherwise it is if he be attainted before commissioners by force of the statute of [*d*] 28. *H.* 8. By the expresse purview of that statute, about the end of the reigne of queene *Elizabeth*, certaine English pyrats, that had robbed on the sea merchants of *Venice*, in amitie with the queene, being not knowen, obtained a coronation pardon, whereby, amongst other things, the king pardoned them all felonies. It was [*e*] resolved by all the judges of England upon conference and advisement, that this did not pardon the pyracie ; for seeing it was no felonie whereof the common law tooke conusance, and the statute of 28. *H.* 8. did not alter the offence, but ordaine a triall and inflict punishment, therefore it ought to be pardoned specially, or by words which tant amount, and not by the generall name of felony ; and according to this resolution the delinquents were attainted and executed.

Pyrata commeth of the word πειράτης, which signifieth a rover at sea. Attainder of heresie or *præmunire* worketh no corruption of bloud, nor heresie, forfeiture of lands ; but in case of *præmunire*, forfeiture of lands in fee simple, but not of lands in taile, as formerly hath been said. [*f*] By some statutes it is said, *sur forfeiture de corps et de avoire*, or *sub forisfactura omnium quæ in potestate suâ obtinet*, or to be at the king's will, body, lands, and goods, and the like, these are not extended to the losse of life or member, but to imprisonment, lands and goods. [*g*] But if an act of parliament saith, *Soit judgement de vie et member*, or *subeat judicium vitæ vel membrorum*, in that case judgement of death shall be given, as in case of felonie, viz. that he be hanged

[*f*] 40. E. 3. 12. 3. E. 3. Corone 365. 8. E. 2. ibid. 293. 21. H. 7.
[*t*] Dame Hale's case, ubi sup. 8. H. 4. 2.
(12. Rep. 121. 9. Rep. 129.)
[*u*] Stanf. Pl. cor. fol. 192. Lib. 5. fol. 110. Foxleye's case. Vide 7. H. 4. 11. 1. R. 3. cap. 3.
(3. Inst. 228.)
[*x*] Statute de catallis felonum vet. Magna Carta, fol. 66. 2. part.
[*y*] Stanf. Pl. Cor. 139. 185.
(3. Rep. 10. b.)
[*] Glanvil. lib. 14. ca. 15. Marlbr. ca. 25. W. 1. c. 15.
[*a*] 3. E. 4. 14. 18. E. 4. 10. 22. Ass. 49. 1. E. 3. 13. Stanf. Pl. Cor. 102. E. 8. H. 4. 2.
[*b*] 22. Ass. 49.
(3. Inst. 47. 4. Rep. 40, 41, 42. 44.)
[*c*] Stanf. præр. 45. b. 16. E. 3. Coron. 116. & 3. E. 3. Coron. 332.
(5. Rep. 120. 9. Rep. 65.)
(Vide Ant. 74. 3. Inst. 112. 1. H. P. C. 354, 355. Vol. 2. 12. 368. Salk. 85. contra.)
[*d*] 28. H. 8. cap. 15.
(3. Inst. 112.)
[*e*] Hill. 2. Jac. Regis.
Vide Mich. 7. & 8. Eliz. Dier 241. 14. Eliz. Dier 308.
(4. Rep. 43.)
[*f*] Statute de Magna moneta tempore E. 1. 35. E. 1. de Carlisle. 20. E. 3. cap. 4.
(Doc. & Stud. 115.)
[*g*] W. 2. cap. 34. Rot. Parl. 25. E. 1. 1. E. 2. de frang. prisonam. 14. E. 3. cap. 10. Stanf. Pl. Coron. 30, 31. 3. E. 3 Coron. 153. Brooke tit. Coron. 203. 9. E. 4. 26.
(11. Rep. 2. 23. H. 8. 25. H. 8. 48. H. 6. by 18. Eliz. 25. Ed. 3.)

(1) On the *peine forte et dure*, see Mr. justice Blackstone's Commentaries, vol. 4. c. 25.

(11. Rep. 291. 4. Inst. 123. 4. Mod. 128. Show. 353.)

[h] Bract. lib. 4. fol. 248. 48. E. 3. 3. 13. R. 2. cap. 2. Rot. Parl. 21. R. 2. nu. 19. 1. H. 4. c. 14. 13. H. 4. 4. & 5. 37. H. 6. 21. Rot. Parl. 8. R. 2. nu. 31. Fortesc. cap. 32. Rot. Parl. 2. H. 4. 74. 12. H. 4. 24. 30. H. 6. 6. Stanf. Pl. Cor. 65. Stat. de Assignat. 4. E. 1 Br. Cor. 196. Rot Parl. 2. H. 6. nu. 9. Rot. Parl. 5 H. 4. nu. 39. Rot. Vasc. 9 H. 4. nu. 14. 8. H. 6. nu. 38. 21. E. 4. 17. b. Catesby. 10. H. 7. per Vavasor. 18. E. 2. Quar. Imp. 175. 6. E. 3. 41. Pasc. 14. E. 3. in Scar. le Count. de Kent's case, p. 29. E. 3. cor. Reg. Rot. 49. le Count. de Lanc. case. Rot. Parl. 28. E. 3. nu. 8. Mortimer's case. Rot. Parl. 28. E. 3. nu. 13. le Countie de Arundel's case.

[*] Stanf. lib. 3. Pl. Cor. 195. b. 27. E. 3. 77. 13. H. 4. 8. Vid. Lit. lib. 1. in the Chap. of Dower.

(3. Inst. 240.)

hanged by the necke till he be dead, and consequently his bloud is corrupted (as our author here saith) and shall forfeit as in case of felonie.

[h] There is also a court of the constable and marshall, who have conusance of contracts of deeds of armes, and of warre out of the realme and also of things touching warre within the realme, which may not be determined or discussed by the common law, and also all appeales of offences done out of the realme, and they proceed according to the civill law: but these things more properly pertaine to another kind of treatise, and therefore I shall speake no more thereof in this place, but only for the satisfaction of the studious reader, to quote some authorities of law touching the jurisdiction of that court, that hee may have some taste thereof.

In the same manner it is, if a man be attainted of high-treason, the warrantie is also defeated.

Le sanke est corrupt enter eux, &c. [*] Aptly is a man said to be attainted, *attinctus*, for that by his attainder of treason or felonie his bloud is so stained and corrupted, as, first, his children cannot be heires to him, nor to any other ancestor, and therefore the warrantie cannot binde; for thereby heires only are to be bound.

Secondly, if he were noble or gentle before, he and all his children and posteritie are by this attainder made base and ignoble, in respect of any nobilitie or gentrie which they had by their birth.

Thirdly, this corruption of bloud is so high, that regularly it cannot be absolutely salved but by authoritie of parliament: all which is implyed in the same (&c.). (1)

Sect. 746.

*ITEM, si tenant en taile soit disseisie, et puis fait release al disseisor ove garrantie en fee, et puis le tenant en taile est attaint, ou utlage de felony, et ad issue et morust; en cest case l'issue en taile poit enter sur le disseisor. Et la cause est pur ceo, que * rien fait discontinuance en cest case forsque le garrantie, et garrantie ne poit discender al issue en taile, pur ceo, que le sanke est corrupt perenter celuy que fist le garrantie et issue en taile.*

ALSO, if tenant in taile bee disseised, and after make a release to the disseisor with warrantie in fee, and after the tenant in taile is attaint, or outlawed of felony, and hath issue and dieth; in this case the issue in taile may enter upon the disseisor. And the cause is for this, that nothing maketh discontinuance in this case but the warrantie, and warrantie may not descend to the issue in taile, for this, that the bloud is corrupt between him that made the warrantie and the issue in taile.

(Plowd. 252. a. 8. Inst. 241.)

[*] 27. E. 3. 77. 1. E. 3. 4. 6. E. 3. 55. 9. H. 5. 9. 31. E. 1. Discont. 17. 46. E. 3. Petit. 20. 26. Ass. 2. 49. Ass. 4. 29. Ass. 11. 13. H. 4. 8. 13. H. 7. 17. Pl. Com. in Walsingham's case. 8. E. 2. Descent. Br. 64. Stanf. Pl. Cor. 195. 196. See in the Chapter of Tenant by the Curtesie, touching this matter.

(Plowd. 557. b. Ante 8. a.)

Le issue en taile poit enter. And the reason is, for that by the attainder of the father, it is now in judgement of law but a release without warrantie; for albeit the warrantie at the time of the release was effectuall, yet it worketh no discontinuance unlesse it descendeth upon the issue in taile; so as if it be defeated, extinct, or determined in the life of the tenant in taile, then no discontinuance is wrought: and so it is if tenant in taile hath issue, and releaseth to the disseisor with warrantie, and after is attainted of felonie, and after obtaineth his pardon and dieth, the issue in taile may enter; [*] for the pardon doth not restore the bloud as to the warrantie, nor maketh the issue in that case inheritable to the warrantie. But if the issue in taile in that case had been attainted of felonie in the life of his father, and obtained his charter of pardon, and then his father had died, the issue cannot enter into the

Sect.

* *null* added L. and M. and Roh.

(1) The policy and justice of our laws of forfeiture in this respect are most ably discussed in Mr. Yorke's celebrated Considerations on the Law of Forfeiture.

Sect. 747.

CAR le garranty touts foits demurt a le common ley, et la common ley eſt, * *ove quant home eſt attaint ou utlage de felonie, quel utlagarie eſt un attainder en ley, que le ſanke perenter luy et ſon fits, et touts auters queux ſerra dits ſes heires, eſt corrupt, iſſint que* † *riens per diſcent poit diſcender a aſcun que poit eſtre dit ſon heire per le common ley. Et la feme de tiel home que iſſint eſt attaint de felonie, ne ſerra jammes endow de les tenements ſa baron iſſint attaint. Et la cauſe eſt, pur ceo que homes pluis eſchuerent de faire aſcuns felonies.* ‡ *Mes l'iſſue en tayle quant a les tenements tailes n'eſt pas en tiel cas* § *barre, pur ceo que* ‖ *eſt enherite per force de le ſtatute, et nemy per le courſe de common ley: et pur ceo tiel attainder de ſon pier ou de ſon anceſtor en le tayle* ¶, *ne luy ouſter de ſon droit per force de le taile, &c.*

FOR the warrantie alwayes abideth at the common law, and the common law is ſuch, that when a man is attaint or outlawed of felony, which outlawrie is an attainder in law, that the bloud betweene him and his ſonne, and all others which ſhall bee ſaid his heires, is corrupt, ſo that nothing by diſcent may deſcend to any that may bee ſaid his heire by the common law. And the wife of ſuch a man that is ſo attaint, ſhal never be endowed of the tenements of her huſband ſo attainted. And the cauſe is, for that men ſhould more eſchew to commit felonies. But the iſſue in taile as to the tenements tailed is not in ſuch caſe barred, becauſe hee is inheritable by force of the ſtatute, and not by the courſe of the common law: and therefore ſuch attainder of his father or of his anceſtour in the taile, ſhall not put him out of his right by force of the taile, &c.

land in reſpect of the corruption of bloud upon the attainder of himſelfe. [h] And it is a generall rule, that having reſpect to all thoſe whoſe bloud was corrupted at the time of the attainder, the pardon doth not remove the corruption of bloud neither upward nor downward. As if there be grandfather, father, and ſonne, and the grandfather and father have divers other ſonnes, if the father bee attainted of felonie and pardoned, yet doth the bloud remaine corrupted not onely above him and about him, but alſo to all his children borne at the time of his attainder. But in the caſe of *Littleton*, if tenant in taile at the time of his attainder had no iſſue, and after the obtaining of his pardon had iſſue, that iſſue ſhould have beene bound by the warrantie; for by the pardon he was as a new creature, *tanquam filius terræ*, whoſe bloud upwards remaine corrupted; but for the iſſue had after the pardon, hee is inheritable to his father; and if his father had iſſue before the pardon, and had iſſue alſo after and dieth, nothing can deſcend to the youngeſt, for that the eldeſt is living and diſabled. But if the eldeſt ſonne had died in the life of the father without iſſue, then the youngeſt ſhould inherit.

[h] Bract. lib. 3. fol. 132, 133. 276. & lib. 5. 374. Britt. fol. 215. b. Flet. lib. 1. cap. 28.

(1. Cro. 136. Ant. 8. a.)

Le garrantie demurt al common ley. The collaterall warrantie is not reſtrained by the ſtatute of *donis conditionalibus*, but a lineall warrantie is reſtrained by the ſtatute, unleſſe there be aſſets; as formerly at large hath beene ſaid.

Vid. Sect. 711, 712.

Et la feme de tiel home que iſſint eſt attaint, &c. ne ſerra jammes endow, &c. It is to be obſerved, that the judgement againſt a man for felonie is, that he be hanged by the neck untill he be dead; but *implicativè*, (as hath beene ſaid) he is puniſhed firſt

(8. Rep. 171. Ante 31. a. 37. a. 41. a.)

(Lamb. 275, 276.)

* *tiel* added L. and M. and Roh. † *null* added L. and M. and Roh. ‡ *&c.* added L. and M. and Roh.
§ *barre* not in L. and M. nor Roh. ‖ *il* added L. and M. and Roh. ¶ *&c.* added L. and M. and Roh.

(3. Inst. 17. 47. Ant. 41. a.)

first in his wife, that she shall lose her dower. Secondly, in his children, that they shall become base and ignoble; as hath beene said. Thirdly, that he shall lose his posteritie, for his bloud is stained and corrupted, that they cannot inherit unto him or any other ancestor. Fourthly, that he shall forfeit all his lands and tenements which he hath in fee, and which he hath in taile, for terme of his life. And fifthly, all his goods and chattels. And thus severe it was at the common law; and the reason hereof was, that men should feare to commit felonie: *Ut pœna ad paucos, metus ad omnes perveniat.* And it is truly said, *Et si meliores sunt quos ducit amor, tamen plures sunt quos corrigit timor.* And so it is *à fortiori* in case of high-treason. But some acts of parliament have altered the common law in some of these points: first, by the statute of *donis conditionalibus*, lands intailed were not forfeited neither for felonie nor for treason, but for the life of tenant in taile. This act was made by king *Edward* the first, who (as our bookes [i] speake) was the most sage king that ever was: [k] and the cause wherefore this statute was made, was to preserve the inheritance in the bloud of them to whom the gift was made, notwithstanding any attainder of felonie or treason. And this act in historie is called *gentilitium municipale*; for that by this act the families of many noblemen and gentlemen were continued and preserved to their posterities. And this law continued in force from the thirteenth yeare of king *Edward* the first, untill the [l] twentie-sixth yeare of king *Henrie* the eighth, when by act of parliament estates in taile are forfeited by attainder of high-treason. But as to felonies (whereof our author here speaketh) the statute of *donis conditionalibus* doth yet remaine in force, so as for attainder of felonie, lands or tenements entailed are not forfeited, but only (as hath beene said) during the life of tenant in taile, but the inheritance is preserved to the issues.

[i] 5. E. 3. 14. 9. E. 3. 22.
[k] 7. H. 4. 32. 19. H. 6. 71.
See Lit. lib. 1. cap. Dow. Sect. 55.

(7. Rep. 11.)

[l] 26. H. 8. cap. 13.
33. H. 8. cap. 20. 5. E. 6. ca. 11.

[m] The wife of a man attainted of high treason or petit treason shall not be received to demand dower, unlesse it be in certaine cases specially provided for. But the wife of a person attainted of misprision of treason, murther, or felonie, is dowable since our author wrote, [n] by the statute in that case made and provided, which is more favourable to the woman than the common law was.

[m] Stanf. Pl. Cor. 195.

[n] 1. E. 6. ca. 13. 5. E. 6. c. 11. 5. El. ca. 1. & 11. 18. El. cap. 1. 12. H 4. 3. Vide Sect. 55.
(8. Rep. 171.)

[o] If a seigniorie be granted with warrantie, and the tenancie escheat, the seigniorie whereunto the warrantie was annexed is extinct, and consequently the warrantie defeated, and it shall not extend to the land; *et sic in similibus.*

If a collaterall ancestor release with warrantie, and enter into religion, now the warrantie doth binde; but if after he be deraigned, now it is defeated.

[o] 6. H. 4. 1. 45 E. 3. Vouch. 72. Pl. Com. 292. 16. E. 3. Age 46. 18. H. 3. Vouch. 281. 23. E. 3. Garr. 77. See in the Chapter of Villenage, Sect. 200.

Sect. 748.

(1. Rep. 112. b.)

LITTLETON having spoken in what cases warranties may bee defeated and extinguished by matter in law, now he sheweth how a warrantie may be discharged or defeated by matter in deed: and hereupon he putteth an example of a release in three severall manners:

(5. Rep. 71. a.)

First, by a release of all warranties.

Secondly, by a release of all covenants reall.

And thirdly, by a release of all demands.

Vide Lib. 8. fol. 153, 154. Altham's case. 46. E. 3. 2. 45. E. 3. 23. Vid. before in the Chapter of Releases. Sect. 508.
(Ant. 291. b.)

[q] If a man make a gift in taile with warrantie, this warrantie is also intailed, and therefore a release made by tenant in taile of the warrantie, shall not bar the issue, no more than his release shall bar the issue to bring an attaint upon a false verdict, or a writ of error upon an erroneous

[q] 14. Ass. pl. 2.
3. Eliz. Dyer. 188. 9. E. 4. 52. b. (Plowd. 2. b. Manxel's case. Ant. 319. b. 20. a. 6. Rep. 7.)

ITEM, si tenant en le taile enfeoffa son uncle, le quel enfeoffa un auter en fee ove garrantie, &c. si apres le feoffee per son fait relessa a son uncle touts manners des garranties, ou touts manners de covenants reals, ou touts manners de demandes, per tiel release le garrantie est extinct. Et si le garrantie en cel case soit pleade envers le heire en taile, que porta son briefe

ALSO, if tenant in taile infeoffe his uncle, which infeoffes another in fee with warrantie, if after the feoffee by his deed release to his uncle all manner of warranties, or all manner of covenants realls, or all manner of demands, by such release the warrantie is extinct. And if the warrantie in this case bee pleaded against the heire in taile that bringeth his writ of *forme-*

de

de formedon, *pur barrer le heire de son action, si l'heire avoit * le dit releas et ceo pledast, il defetera le plee en barre, &c. Et mults auters cases et matters y sont, per queux home poit defeater garrantie, &c.*

don, to barre the heire of his action, if the heire have and plead the said release, &c. he shall defeat the plee in barre, &c. And many other cases and matters there be, whereby a man may defeat a warrantie, &c.

judgement given against the father, nor his gift can barre the issue of the deed that create the estate taile, nor of any other deed necessary for defence of the title.

Apres le feoffee relessa. *Littleton* here putteth his case where one is bound to warrant: put the case [r] then that two make a feoffement in fee, and warrant the land to the feoffee and his heires, and the feoffee release to one of the feoffors the warrantie, yet he shall vouche the other for the moytie. And so it is if one infeoffe two with warrantie, and the one release the warrantie, yet the other shall vouch for his moytie.

(5. Rep. 70.)
[r] 45. E. 3. 23.
(3. Rep. 14.)

Si le heire avoit le dit release, &c. Here it appeareth, that the release being made to the uncle being his ancestor, the deed doth after the decease of the uncle belong to him, and therefore he cannot plead it, unlesse he sheweth it forth.

Et mults auters cases et matters y sont, per queux home poet defeater garrantie, &c. As namely by a defeasance, as other things executorie may. Also a warrantie may lose his force by taking benefit of the same. In a *præcipe* the tenant voucheth, and at the *sequatur sub suo periculo*, the tenant and the vouchee make default, whereupon the demandant hath judgement against the tenant. And afterwards the demandant brings a *scire facias* against the tenant to have execution; in this case the tenant may have a *warrantia cartæ*. And if in that case a stranger had brought a *præcipe* against the tenant, hee might have vouched againe, for by the judgement given against the tenant, the warranty lost not his force; but if the tenant had judgement to recover in value against the vouchee, hee should never vouche againe by reason of that warrantie, because hee had taken advantage of the warrantie. And it is to be observed, that upon the proces of *summoneas ad warrantizandum*, if the sherife returne the vouchee summoned, and he make default, the tenant shall have a *capias ad valentiam*; but if he returne that the vouchee had nothing, then after the *sicut alias et plu-es a sequatur sub suo periculo* shall issue; and there if the vouchee make default, the tenant shall not have judgement to recover in value, for he was never summoned; and it appeareth of record that he hath nothing, but in the *capias ad valentiam* it appeareth that he had assets, and he had beene summoned before: but in some speciall cases there shall be two recoveries in value upon one warrantie. As if a disseisor give lands to the husband and wife, and to the heires of the husband, the husband alieneth in fee with warrantie and dieth, the wife bringeth a *cui in vitâ*, the tenant vouche and recovereth in value, if after the death of the wife the disseisee bring a *præcipe* against the alienee, he shall vouch and recover in value againe.

(Vaugh. 387.)
43. E. 3. 17. Pl. Com. in Browning's case.
(Hob. 27.)

[s] So it is where the wife bringeth a writ of dower against the alienee, he shall recover in value, and after her death he shall recover in value againe, upon the same warrantie.

[s] 45. E. 3. Voucher 72.

In the same manner it is if a man be seised of a rent by a defeasible title, and releaseth to the tenant of the land all his right in the land, and warranteth the land to him and his heires, if he be impleaded for the rent, he shall vouch and recover in value for the rent; and if after he be impleaded for the land, he shall vouche and recover in value againe for the land: but in these and the like cases, the reason is in respect of the severall estates recovered, but for one and the same estate he shall never recover but once in value; and though the land recovered in value be evicted, yet shall he never take benefit of that warrantie after. And as warranties may be defeated in the whole, so they may be defeated as to part of the benefit that may be taken of the same. [t] As he that hath a warrantie may make a defeasance not to take any benefit by way of voucher; in the like manner that he shall take no advantage by way of *warrantia cartæ*, or by way of rebutter.

(Hob. 28.)
(Ant. 367. b.)
[t] 7. H. 6. 43. 13. Ass 8. 13. E. 3. Garr. 24, 25. 37. 22. H. 6. 51. 8. H. 7. 6.

* *le dit releas et ceo pledast—et pleaast le dit releas, &c.* in L. and M.

Sect. 749.

ET est ascavoir, que en mesme le manner come garrantie collateral poit estre defeat per matter en fait ou en ley; en mesme le manner poit lineal garrantie estre defeat, * &c. Car si l'heire en taile porta briefe de formedon, et un lineal garranty de son ancester enheritable per force de le taile, soit plede envers luy, ove ceo, que assets a luy discendist de fee simple, † que il ad per mesme l'auncester que fist le garrantie; si l'heire que est demandant poit adnuller et defeater le garrantie, ceo suffist a luy: car le discent des auters tenements de fee simple ne fait riens pur barrer l'heire sans le garrantie, &c.

AND it is to be understood, that in the same manner as the collaterall warrantie may bee defeated by matter in deed or in law; in the same manner may a lineall warrantie be defeated, &c. For if the heire in taile bringeth a writ of *formedon*, and a lineall warrantie of his ancestor inheritable by force of the taile, bee pleaded against him, with this, that assets descended to him of fee simple, which hee hath by the same ancestor that made the warrantie; if the heire that is demandant may adnull and defeat the warrantie, that sufficeth him: for the discent of other tenements of fee simple maketh nothing to barre the heire without the warrantie, &c.

HERE *Littleton* sheweth, that in the same manner that a collaterall warrantie may be defeated by matter in deed, or by matter in law, so may to all intents and purposes a lineall warrantie, whereof hee putteth an example of a lineall warrantie and assets.

Et un lineal garrantie, &c. ovesque ceo que assets a luy discendist, &c. Here it appeareth by *Littleton*, that a lineall warrantie and assets is a good plea in a *formedon* in the discender; wherein it is to be knowen, that if tenant in taile alieneth with warrantie, and leave assets to descend; if the issue in taile doth alien the assets, and die, the issue of that issue shall recover the land, because the lineall warrantie descendeth only to him without assets; for neither the pleading of the warrantie without the assets, nor the assets without the warrantie is any barre in the *formedon* in the discender. But if the issue to whom the warrantie and assets descended had brought a *formedon*, and by judgement had beene barred by reason of the warrantie and assets; in that case, albeit he alieneth the assets, yet the estate taile is barred for ever; for a barre in a *formedon* in the discender, which is a writ of the highest nature that an issue in taile can have, is a good barre in any other *formedon* in the discender, brought afterwards upon the same gift.

Temps E. 1. Gar. 89. 34. E. 1. ibid. 88. 11. E. 2. ibid. 83. 4. E. 3. 24. 5. E. 3. 14. 40. E. 3. 9. 14. H. 4. 39. 24. H. 8. taile Br. 33. 4. Mar. Dier 139. Lib. 10. fol. 37, 38. in Mary Portington's case.

(8. Rep. 51.)

(Ant. 374. a. b.)

(10. Rep. 38. Plowd. 440. a. b. Hob. 40. Moor. 55.)

ORE jeo ay fait a toy, mon fits, trois livres.

NOW I have made to thee, my sonne, three bookes.

A TOY, mon fitz, &c. Here our author calleth (as many times in these bookes he hath done) not only his sonne *Richard*, but everie studient of the law to be accounted his son, and worthily; for that seeing our author had the honour to be in his time the father of the law, and all good studients in the law justly account themselves the sonnes of the law (for otherwise they are not worthy of the profession), our author, as a carefull and provident father, as it hath manifestly appeared, gave excellent instructions in these his bookes, both to his owne sonne, and to his adopted sonnes, to make them from age to age the more apt and able to understand the arguments and reasons of the law.

Le

* *&c.* not in L. and M. nor Roh. † *que il ad* not in L. and M. nor Roh.

*Le primer Livre est de Estates que homes ount en terres * ou tenements : c'estascavoir,*

The first Book is of Estates which men have in lands and tenements : that is to say,

De Tenant en fee simple ††Cap. 1
De Tenant en fee taile 2
De Tenant en † fee taile apres possibilitie d'issue extinct 3
De Tenant per le curtesie d'Engleterre 4
De Tenant en dower 5
De Tenant a terme de vie 6
De Tenant pur terme des ans 7
De Tenant a volunt per le common ley 8
De Tenant a volunt per custome del mannor 9
‡ *De Tenant per le verge* 10

Le Second Livre. §

De Homage Cap. 1
De Fealtie 2
De Escuage 3
De Service de Chivaler 4
De Socage 5
De Frankalmoigne 6
De Homage Auncestrel 7
De Grand Serjeantie 8
De Petit Serjeantie 9
De Tenure en Burgage 10
De Tenure en Villenage 11
De || *Rents* 12

Et ceux deux petits Livres jeo ay fait a toy pur le melior entender de certaine Chapters de les antient Livre de Tenures.

And these two little Books I have made to thee for the better understanding of certaine Chapters of the antient Booke of Tenures.

Meliour entender, &c. And these Institutes have I collected and published to the end that these three Bookes of our author may be the better understood of the studious reader.

Antient Livre des Tenures. This booke may well be accounted antient, for it was composed in the raigne of king *Edward* the third, (as justice *Fitzherbert* saith) by a grave and discreet man.

Fitz. in his Preface to his N. B.

Le Tierce Livre. ¶

*De Parceners ** solonque le course del common ley* Cap. 1

De

* *ou—t,* L. and M. and Roh. † *fee—le,* L. and M. and Roh. ‡ *De tenant per le verge* not in L. and M. nor Roh. § *est* added L. and M. and Roh. || *Rents*—iii. *maners de rentes, scilicet, rent service, rent charge, et rent sekke,* L. and M. and Roh. ¶ *est* added L. and M. and Roh. ** *solonque le course del common ley* added L. and M. and Roh.
†† The numbers of the Chapters as above are not enumerated either in L. and M. or Roh.

* *De Parceners solonque le custome*	Cap. 2
De Jointenants	3
De ‡ *Tenants en common*	4
De Estates de terres et tenements sur condition	5
De Discent que tollent entries	6
De Continual Claime	7
De Releases	8
De Confirmations	9
De Attornements	10
De Discontinuances	11
De Remitters	12
De Garranties. ‡	13

¶ *Epilogus.*

JEO ne voile enprender ne presumer, &c. Here observe the great modestie and mildnesse of our author, which is worthy of imitation; for *Nulla virtus, nulla scientia locum suum et dignitatem conservare potest sine modestiâ.* And herein our author followed the example of *Moses*, who was a judge, and the first writer of law; for he was *mitissimus omnium hominum qui fuit in terris*, as the holy historie testifieth of him.

Les arguments et les reasons del ley, &c. *Ratio est anima legis*; for then are we said to know the law, when we apprehend the reason of the law; that is, when we bring the reason of the law so to our owne reason, that wee perfectly understand it as our owne; and then, and never before, we have such an excellent and inseparable propertie and ownership therein, as wee can neither lose it, nor any man take it from us, and will direct us (the learning of the law is so chained together) in many other cases. But if by your studie and industrie you make not the reason of the law your owne, it is not possible for you

ET saches, mon fits, que jeo ne voile que tu croies, que tout ceo que jeo ay dit en les dits livres soit ley, car jeo ne ceo voile enprender ne presumer sur moy. Mes de tiels choses que ne sont pas ley, enquires et apprendres de mes sages masters apprises en la ley. Nient meins coment que certaines choses queux sont motes et specifies en les dits livres, ne sont pas ley, uncore tielx choses ferra toy plus apt et able de entender et apprender les arguments et les reasons del ley, &c. Car per les arguments et les reasons en la ley, home pluis tost aviendra a le

AND know, my son, that I would not have thee beleeve, that all which I have said in these bookes is law, for I will not presume to take this upon me. But of those things that are not law, inquire and learne of my wise masters learned in the law. Notwithstanding albeit that certaine things which are moved and specified in the sayd bookes, are not altogether law, yet such things shall make thee more apt, and able to understand and apprehend the arguments and the reasons of the law, &c. For by the arguments and reasons in the law, a man more sooner shall come to the certain-

cer-

* *De parceners solonque le custome* not in L. and M. nor Roh. † *Tenants—tenements*, L. and M. and Roh. ‡ *scilicet, garrauntie lyneall, garrauntie collaterall, et garrauntie que commence per disseisin*, added L. and M. and Roh. ¶ Not in L. and M. nor Roh.

certaintie et a la conusans de la ley. tie and knowledge of the law.

Lex plus laudatur quando ratione probatur.

long to retaine it in your memorie. And wel doth our author couple arguments and reasons together, *Quia argumenta ignota et obscura ad lucem rationis proferunt et reddunt splendida:* and therefore *argumentari et ratiocinari* are many times taken for one. And that our author may not speake any thing without authority, (which in these Institutes we have as we take it manifested) his opinion herein also agreeth with that of the learned and reverend chiefe justice of the court of common pleas, sir *Richard Hankford,* [y] *Home ne scavera de quel mettal un campane est, si ne soit bien bate, ne le ley bien conus sans disputation.* And another saith, [*] *Jeo aye dispute cest matter pur la apprender la ley.* So as our author hath made a most excellent epilogue or conclusion with a grave advice and counsell, together with the reason thereof, which all good students are to know and follow; and with *scire* and *sequi* I will conclude our author's epilogue.

[y] 11. H. 4. 37.
[*] 4. E. 3. 22. Kittor. Vid. Sect. 377.

Lex plus laudatur quando ratione probatur.

This is the fourth time that our author hath cited verses.

Vid. Sect. 384. 443. 550.

When I had finished this worke of the first part of the Institutes, and looked backe and considered the multitude of the conclusions in law, the manifold diversities between cases and points of learning; the varietie almost infinite of authorities, antient, constant and moderne, and withall their amiable and admirable consent in so many successions of ages; the many changes and alterations of the common law, and additions to the same, even since our author wrote, by many acts of parliament, and that the like worke of Institutes had not been attempted by any of our profession whom I might imitate, I thought it safe for me to follow the grave and prudent example of our worthy author, not to take upon me, or presume that the reader should thinke that all that I have said herein to be law: yet this I may safely affirme, that there is nothing herein but may either open some windowes of the law, to let in more light to the student by diligent search to see the secrets of the law, or to move him to doubt, and withall to inable him to inquire and learne of the sages, what the law, together with the true reason thereof, in these cases is: or lastly, upon consideration had of our old bookes, lawes, and records, (which are full of venerable dignitie and antiquitie) to finde out where any alteration hath beene, upon what ground the law hath beene since changed; knowing for certaine, that the law is unknowen to him that knoweth not the reason thereof, and that the knowne certaintie of the law is the safetie of all. I had once intended, for the ease of our student, to have made a Table to these Institutes; but when I considered that Tables and Abridgements are most profitable to them that make them, I have left that worke to everie studious reader. And for a farewell to our jurisprudent, I wish unto him the gladsome light of jurisprudence, the lovelinesse of temperance, the stabilitie of fortitude, and the soliditie of justice.

F I N I S.

PREFACE

TO THE

TABLE.*

To the READER.

COURTEOUS READER,

ALTHOUGH I have ever observed true, what our Honourable and grave Author intimates in the conclusion of this worke, That Tables and Abridgements are most profitable to the makers, *which indeed first gave life to my endeavours in this task, yet the confidence that they are not altogether unserviceable to others, together with the undeniable importunitie of some especiall friends, hath now wrested that to the publike view, what only was intended for private use. I hope the largenesse of the Volume will apologize for the length of the Table, and its language speake somewhat in excuse of its prolixitie. And because of the smalnesse of the print, together with the much matter couched in every line, I have observed some notes or figures for your more speedie direction to what you are*

* The Table to which this Preface was originally prefixed appears to have been first printed in 1629. It is here printed from the improved edition of it annexed to the 11th and 12th editions of this work.

are inquisitive. Divide each page with your eye into three parts, and where you meet with this note (†) it directeth to the upper part, this note (*) to the middle part, and this (¶) inviteth you to the lower part of the page, so that you may easily at the first view finde what you desire, without the tedious reading over the whole page: and if you chance to misse what you seeke for in the comment, the text will supply it unto you, or else the Printer shall be much to blame. Thus requesting you to weigh these my labours in the even balance of your indifferent judgement, I submit them to your censure, and take my leave.

From the Inner Temple.

Prodesse non obesse.

Illud ex animo fiet, hoc præter voluntatem accidet.

A Table

A

TABLE

OF THE

HEADS

CONTAINED IN THE

FOLLOWING TABLE.

A.

ABATEMENT.
———— of Writs. *Vide* Writs.
Abbot. *Vide* Corporation.
Abeiance.
Abettors.
Ability. *Vide* Capacity.
Abjuration and Exile.
Abridgment.
Acceptance.
Acceſſory.
Acre.
Accompt.
Acquittal.
Acquittance.
Actions.
Adminiſtrator. *Vide* Executor.
Admeaſurement.
Admiral.
Admiſſion.
Advowſon.
Æquivocum.
Affiance.
Affinis.
Age.
Agent and Patient.
Agreement. *Vide* Diſagreement.
Aid.
Alien.
Alienation.
Allegiance.
Allodium, Allodiarii.
Aluctum.
Amerciament.
Anceſtor.
Annuity.
Appeal.
Appearance.
Appellant.
Appendant.
Apportionment.
Approbatio.
Appropriation.
Appurtenant.
Archdeaconries.
Argument.
Arms and Armories.
Arraignment.
Array.
Arrearages.
Aſſets.
Aſſignment.
Aſſize.
Attainder.
Attaint.
Attornment.
Attorney.
Audita Querela.
Averment.
Aumone.
Aunceſter.
Avowry.
Authority.
Ayel.

B.

Bail.
Bailment.
Bailiff.
Bank.
Bankrupt.
Bar.
Bargain and Sale.
Baron and Barony.
Baron and Feme.
Barretor.
Baſtardy.
Bedell.
Bennerth.
Berewica & Berewit.
Barquarium.
Biſhop.
Blood.
Bokland.
Bona.
Bordarii & Borduanni.
Boſcus.
Bote.

Bovata

A TABLE OF THE HEADS

Bovata Terræ.
Briga.
Bruera.
Burgage.
Burgebote.
Burgh Englifh. *Vide* Cuftom.
Bye and *Byan.*

C.

Capacity.
Caftle.
Caftle-guard.
Caufa Matrimonii prælocuti.
Certainty.
Certificate. *Vide* Trial.
Ceffavit.
Challenge.
Champerty.
Charge and Difcharge.
Charters.
Chafe. *Vide* Foreft.
Chattels.
Chevage.
City.
Claim. *Vide* Continual Claim.
Clergy.
Colebertí.
Collufion. *Vide* Covin.
Combe.
Commote.
Commiffion.
Common
Conclufion. *Vide* Eftoppel.
Condition.
Confirmation.
Confanguinity.
Conftable. *Vide* Marfhal.
Continual Claim.
Contract.
Conufance of Pleas.
Cope.
Copyhold.
Cornage.
Corody.
Corporation.
Corruption of Blood.
Cofinage.
Cofts. *Vide* Damages.
Cottagium.
Cotterelli.
Covenant.
Coverture.
Covin and Fraud.
Count.
Court.
Cui in Vitâ.
Curtefy of *England.*
Cuftoms.

D.

Damages.
Day.
Dean and Chapter.
Debt.
Decies tantum.
Deeds.
Default.
Defeafance.
Defence.
Deforcement.
Degrees.
Demand.
Demurrer.
Dene and *Denne.*
Denizen.
Departure.
Deraignment.
Detinue.
Devife.
Dilapidations.
Difability.
Difceit.
Difcent.
Difclaimer.
Difcontinuance.
Difparagement.
Diffeifee and Diffeifor.
Diffeifin.
Diftrefs.
Divorce.
Donative.
Double Plea.
Dower.
Drenchs.
Duna, Dun.
Droit. *Vide* Right.
Dum fuit infra ætatem.
Dum non compos mentis.

E.

Eire.
Election.
Elegit.
Elopement.
Emblements.
Embracery.
Entry Congeable.
Error.
Efcheat.
Efcheator.
Efcuage.
Effoin. *Vide* Protection.
Efplees.
Eftates.
Eftoppel.
Eftovers.
Etymologies.
Evidence.
Exchange.
Excommunication.
Execution.
Executors.
Expofition of Words.
Extent
Extinguifhment.
Extortion.
Ey.

F.

Falfifying of Recoveries.
Fealty.
Fee fimple.
Fees.
Felony.
Feoffments.
Fordwit.
Ferlingus.
Fines to the King.
Fines of Lands.
Firma.
Folkland.
Forcible Entry.
Foreft, Park, Chafe, Warren.
Forfeiture.
Forejudger.
Formedon.
Frankalmoign.
Frankmarriage.
Fraffingum.
Freebank.
Freehold.
Frith.
Fruftum Terræ.

G.

Gavelkind.
Glyn.
Grange.
Grand Serjeanty. *Vide* Serjeanty.
Grants.
Grava.
Guardian.
Gurges.

H.

Habendum.
Haga.
Haugh and *Hough.*
Heir.
Heirloom.
Herbage.
Herefy.
Heriot.
Hida Terræ.
Hirft and Hurft.
Holm and *Hulmus.*
Holt.
Homage.
——— Aunceftrel.
Hope.
Horngeld.
Hors de fon Fee.
Hofpital.
Hotchpot.
How and *Hoo.*

J. I.

Jampna.
Ideot.
Imprifonment.
Incident *See* Appendant.
Indenture.
Indictment.
Infant.
Infranchifement.
Inheritance.
Inrollments.
Inftant.
Inftitution.
Intention of the Parties.
Intereffe Termini.
Intereft.
Intrufion.
Jointenants.
Jointure.
Ireland.
Iffue.
Judgment.
Jugum Terræ.
Juncaria & Joncaria.
Juris utrum.
Juror.
Juftices.

K.

King.
Knight.

Knight's

CONTAINED IN THE FOLLOWING TABLE.

Knight's Service.
Knot.

L.

Laches.
Lagaman.
Lanncmanni.
Lapfe. *Vide Quare Impedit.*
Law.
Lea and Ley.
Leafes, Leffor, Leffee.
Lectures.
Leper.
Lefwes.
Librata Terræ.
Licence. *Vide* Authority.
Ligeance.
Limitation.
Livery out of the Hands of the King.
Livery and Seifin.

M.

Machecollare.
Maihem.
Maintenance.
Manor.
Manumiffion.
Marches.
Marchet.
Maremium.
Marifcus & Mera.
Marriage.
Marfhal.
Maxim.
Mayor and Commonalty. *See* Corporation.
Meafon.
Merchant.
Mefne.
Meffuagium.
Minera.
Mifcontinuance.
Mife.
Monafteries.
Money.
Monk.
Monfter.
Mortdanceftor.
Mortgage.
Mortmain.
Mulier.
Murder.
Mute. *See* Treafon.

N.

Name.
Nief.
Nobility.
Nonage.
Non compos, &c. See *Dum non compos.*
Nonfuit.
Notice.
Nufance.

O.

Obligation.
Occupant.
Occupation.
Office and Officer.
Office or Inquifition.
Ordinary.
Oufter le main. *See* Livery.
Outlawry.
Oxgang.

P.

Panel.
Papifts.
Pardon.
Park. *See* Foreft.
Parliament.
Parol demur.
Parfon and Patron.
Partition and Parceners.
Pafcuum & Paftura.
Patents. *See* Grant, King.
Payment.
Per quæ Servitia.
Pew.
Piracy. *See* Attainder, Felony.
Pleas and Pleadings.
Plenarty.
Plough-land.
Poffeffion.
Poffibility.
Pound.
Præcipe.
Præmunire.
Præfumptio.
Prerogative.
Prefcription.
Prefentation.
Primer Seifin.
Privies and Privity.
Profeffion.
Property.
Proprietate probandâ.
Protection.
Proteftation.
Pudzeld.
Purchafe.
Purprefture.

Q.

Quare Impedit.
Quarentena.
Queen.
Que Eftate.
Quid Juris clamat.
Quod ei deforceat.

R.

Radmans & Radchemiftres.
Ranfom.
Rape.
Rationabili parte bonorum.
Ravifhment of War.
Rebutter.
Reclufe.
Record.
Recovery.
——— in Value.
Rediffeifin.
Regifter of Writs.
Relation.
Releafes.
Relief.
Remainder.
Remitter.
Rents.
Replevin.
Report.
Requeft.
Refceit.
Refcous.
Refervation.
Refponfalis.
Refummons.
Retraxit.
Reve.
Reverfion.
Reviver. *See* Extinguifhment.
Revocation.
Right.
Riot.
Robbery.
Rufcaria.

S.

Saliva.
Scire facias.
Scutagium.
Seals.
Seifin.
Selda.
Selio Terræ.
Sequatur fub fuo periculo.
Serjeanty.
Services.
Shaw.
Sheriff.
Shire.
Simony.
Socage.
Sokemans and *Sokmanni.*
Solinum & Solinus Terræ.
Stadium.
Stagnum.
Stanlaw.
Statutes in General.
Statutes *Mag. Chart.*
Statute Merchant and Staple. See Execution, *&c.*
Stethe & Stede, quid.
Steward.
Stowe.
Summons and Severance.
Surrender.
Sufpence.

T.

Tail.
Tail after Poffibility of Iffue extinct.
Taini & Tainland.
Tallage.
Tenant.
Tenant at Will and Sufferance.
——— in Common.
Tender and Refufal.
Tenellare.
Tenure.
Teftament.
Teftimonies.
Tillage.
Time.
Tithes.
Title.
Town.
Traverfe.
Treafon.
Trefpafs.
Trial.
Twaite.

V. *Vac*

Usurpation.

V.

Vaccaria.
Valuation.
Venire.
Ventre inspiciendo.
Verdict.
Vestura Terræ.
Village.
Villenage and Villein.
Virgata Terræ.
Visitor.
Voucher.
Uses.

W.

Wager of Law.
Wales.
War.
Wardship.
Wardwite.
Warranty.
Warrectum seu Warreccum Terræ.
Warren. *See* Forest.
Waste.
Way.
Wera & Were.
Wit *seu* Wita.
Witness. *See* Testimony.
Woodgeld.
Words.
Worscot.
Worth.
Writs.

Y.

Year and a Day.

A TABLE

A TABLE TO THE FIRST PART OF THE INSTITUTES OF THE LAWS OF ENGLAND.

Abatement. *See* Writs.

THE etymology of the word, 134 b †
The divers acceptations of the word, and what it properly signifies, *ibid.* 277 a *
The difference between an Abatement, Disseisin, Intrusion, Deforcement, Usurpation, and Purpresture, 277 a ¶, b †

Abbot. *See* Corporation.

Abeiance.

The signification and derivation of the word, 342 a ¶, b †
Where the freehold and inheritance of lands, &c. shall be in abeiance, 342 b * ¶
Where an estate of lands, &c. in abeiance may be aliened, or charged, and where not, 343 a * ¶
Where by the grant of tenant in tail of all his estate or right, to a disseisor, the right of the title shall be in abeiance, 345 a b ¶
Where an entry or claim by one that hath no right, shall gain an inheritance by wrong, which is in abeiance, 263 b †
The fee-simple of the glebe in abeiance, by the alienation of the parson, and during the vacancy of the parsonage, 341 a † *
When by attainder, 345 a * b

Abettors.

Where the defendant in an appeal shall recover damages against the plaintiff, and where not, 138 b *, 139 b * *Vide Stat. W.* 2. *cap.* 12.

Ability. *See* Capacity.

Abjuration and Exile.

How a person abjured or exiled is esteemed in law, 133 a *
Where the wife of such person may sue and be sued without naming her husband, 132 b ¶, 133 a
What banishment shall be said in law a civil death, and what not, 133 a *

Abridgment. *See* Condition, Confirmation.

Acceptance. *See* Arrearage, Avowry, Condition, Dower, Escheat, Remitter, Surrender, Waste.

Acceptance of Rent will not make a void estate good, 215 a †
Where the acceptance of a rent shall dispense with a condition broken for non-payment, and where not, 211 b ¶, 215 a †
Where the acceptance of another thing in satisfaction shall be a good bar in debt, upon an obligation, and where not, 212 b * ¶, 213 a †
Where the acceptance of a lesser sum in satisfaction shall be a good bar, and where not, 212 b ¶
Where the acceptance of homage or fealty shall bar the lord of his escheat, 268 a ¶
Where the acceptance of rent shall bar the lord of his escheat, and where not, 264 a ¶, b †
Where the acceptance of the services by the hands of the tenant after forejudger of the mesne, shall conclude the lord paramount of the arrearages incurred before, and where not, 296 b ¶

Accessory.

Accessorium sequitur, non ducit suum principale, 152 a *
In what offences there may be accessories, in what not, 57 a ¶

Accompt. *See* Guardian, Socage.

The several kinds of writs of accompt, and against what persons such writ lieth, and against what not, 172 a * ¶, 200 b †, 87 b ¶, 90 b *
Where in an accompt against one as receiver he shall have allowance of expences and charges, and where not, 172 a ¶
Where an accomptant shall have allowance of goods stolen and miscarried, and where not, 89 a ¶
Where an accompt lieth by and against an executor or administrator, and where not, 89 b *, 90 b † *
Where an accompt lieth by one jointenant or tenant in common against his companion, and where not, 172 a ¶, 186 *, 200 b *
A release of all duties no bar in an accompt, 291 a ¶
Where in an accompt as receiver, the defendant may wage his law, and where not, 295 a * ¶. *Vide tit.* Wager of Law.
Where and against whom a *capias* lieth in accompt, and where and against whom not, 89 a. *Vide* Stat. W. 2. c. 1.
Against whom it lies, 398 b ¶

Acquittal.

The signification and derivation of the word, 100 a †
The several kinds of acquittals, *ibid.*
To what tenure acquittal is incident, and to what not, 100 a †, 101 a *

Acquittance.

Where if given for the whole, tho' but part paid, 'tis good, 212 b ¶
For rent due the last day, when it shall discharge all before, 373 a ¶

Acre.

Its quantity and contents, 5 b ¶

Actions.

The definition of an action, 285 a †
The division of actions, 284 b ¶, 285 a †
The difference between an action and a writ, 289 a †
The difference between an action and an execution, 298 a *
A feint action / A false action } what, 361 a ¶
In what places and counties actions shall be brought, 282 a ¶, b *per tot. pag.*
Where and what actions shall be brought *in confinio comitatûs*, and where and what not. *Vide tit.* Assize.
Where in actions for things transitory, the place or county is traversable, and where not, 282 a ¶, b † *
In actions transitory the day and time not traversable, if the act be done before the writ brought, 283 a ¶
Where by a release of all actions, causes of actions be released, but within a submission of all actions to arbitrement causes of actions are not contained, 285 a †
When they lie *quia timet*, 100 a *
Cannot be altered by the party's own act, 285 a *
When they continue, though part of the cause is determined by the act of God, 285 a *
On the case for dilapidations, 398 a †

Admeasurement.

Admeasurement of dower, where it lieth by the guardian in chivalry, and where by the heir, 39 a *

Administrator. *Vide tit.* Executor.

Admiral.

The etymology of the word, 260 b *
How called anciently, and how at this day, 260 b *
The jurisdiction of the admiral's court, and from what antiquity, and according to what law they proceed, 260 a ¶, b †, 391 a *

Admission.

The description and form of an admission and institution of a clerk, 344 a ¶

Advowson.

Advocatio quid, & unde, 17 b ¶, 119 b * ¶
The antiquity of the word, 17 b ¶
How *advocatio medietatis*, and *medietas advocationis* differ, 17 b ¶, 18 a *
Where an advowson lies in tenure, 85 a ¶
Where in grant, and not in livery, 332 a *, 335 b *
Where the disseisee or issue in tail after discontinuance, may present to an advowson before recontinuance of the manor, to which, &c. and where not, 307 a †, 333 b *
Where and what act shall put the patron out of possession of an advowson, and where and what not, 344 b *
Is a thing of trust, 17 b *, 89 a †

Æquivocum *quid, & quotuplex*, 154 b ¶

Affiance.

Affiance, and *Affidare*, quid, 34 a ¶

Affinis, 34 a ¶, 157 a *

Age. *See* Infant.

Age to alien or contract, what our law requires, and what other laws, 78 b †, 172 b ¶. *Vide tit.* Infant.
Age to do knights service. *Vide tit.* Knights Service,
The several ages of a man to divers purposes, 78 b ¶, 79 a ¶
The divers ages of a woman to several purposes, 78 b *
Age to be professed in religion. *Vide tit.* Profession.
Where one parcener being an infant, shall have her age, notwithstanding the full age of her sister, 164 a †. *Vide tit.* Parol demurre.
A lease to one and his heirs *pur auter vie*, the heir of the lessee shall not have his age, 139 a ¶
Where a bastard shall have his age, 244 b †
Where the heir upon a discent by reason of the profession of his ancestor in religion shall have his age, 248 b ¶
No *elegit* upon judgment, or recognizance, shall be sued, that lands descended to an infant, 200 a ¶
Where tenant for life surrenders to him in the reversion within age, he shall not have his age, 338 b †, 381 a †
If the heir within age endow his mother, no *elegit* shall be sued against her during his minority, *ibid. & ubi supra.*
Where the heir shall have his age in a *cessavit*, 380 b ¶, 381 a †

Agent and Patient. *See* Executor, Voucher, Remainder.

Where a woman may endow herself *de la pluis beale*, 39 a ¶, b †

Agreement and Disagreement. *See* Acceptance, Attornment, Coverture, Damages, Dower, Election, Remitter, Warranty.

Where an infant or his heirs may disagree to his own purchase, 2 b ¶
The heir of an ideot or madman to that of his ancestor, *ibid.*
The husband or the wife herself after coverture to the purchase of the wife, 3 a †
Where an agreement to the entry or act of a stranger shall be as available or prejudicial to the party as his own act or entry, and where not, 180 b * ¶, 007 a †, 245 a *
Where the agreement to a conveyance whereby an estate is after cast upon the disseisee or issue in tail shall hinder a remitter, 359 b †
Where a feme covert may disagree to an estate determined to save herself from damages, 380 b *

Aid. *See* Knight Service, Parceners, Stat. *W.* 1. *cap.* 6. & Stat. 21 *H.* 8. *cap.* 19.

Where a parson, vicar, &c. shall have aid of his patron, and ordinary, 341 b *

Where, upon an avowry at this day for services, aid is grantable of any man, 312 a †
Where a bishop, abbot, &c. shall not have aid of the King, otherwise of a dean collative, 341 b ¶

Alien. *See* Challenge, Denizen, Dower, Ligeance, Release, Wager of Law.

The etymology of the word, 118 b, 128 b ¶
The description of an alien, 129 b *
The sons of an alien born within the ligeance of the King, not inheritable either to other, 8 a †
Where an alien may be capable of lands, &c. to his own use, and where only to the use of the King, 2 b †
Where and by what means he may be made to inherit, and where and by what not, 8 a †, 129 a *
If a prior may sue in right of his house, 129 a
What actions an alien amy may or may not bring in his own right, 129 a
Alien enemy may not have any action, 129 *ibid.*
Where an alien may wage his law, 295 a *
Where a reversion is granted to an alien, and after denization the tenant attorns, the King upon office found, shall have the land, 310 b ¶

Alienation.

The derivation of the word, 118 b †
What shall be said an alienation to divers purposes, and what not, 118 b † *
When licence for alienation first began, how and when taken away, 43 *per tot pag.*

Allegiance.

How such oath first began, and where, and when to be taken, 68 b †, 172 b †
How it differeth from the oath of fealty, 68 b †

Allodium, Allodiarii.

Quid & qui, 1 b †, 5 a *

Alnetum.

What, 4 b *
What passes by this name, *ibid.*

Amerciament. *See* Pardon.

Amerciament what, and whence so called, 126 b ¶
How it differeth from a fine, 127 a. *Vide tit.* Fines
The causes of amerciaments in actions real and personal, 126 b ¶, 127 a †
Where an amerciament shall be due for the abatement of a writ, and where not, 127 a †
How an amerciament anciently was called, 127 a *
Where in debt for an amerciament the defendant shall wage his law, and where not, 295 a *
Where issues and amerciaments shall be levied upon the lands which the jurors or parties non suit had at the time of the panel returned, or finding of pledges, and where not, 102 b †
Who shall be amerced, and who not, 127 a †
By whom it ought to be affeered, 126 b ¶
No *capiatur* lies for one, 126 b ¶
When land is liable for it, 102 b †

Ancestor.

The derivation of the word, 78 b *
How it differeth from predecessor, *ibid.*

Annuity. *See* Grant, Parson, Rent, Reservation.

The description of an annuity, 144 b *
Where the heir of the grantor shall not be charged in an annuity without naming, 144 b ¶
Where the heir of the grantee and his assignee may have a writ of annuity, 144 b *
Where and for what rent a writ of annuity lieth against the grantor, and where and for what not, 144 b † ¶
Where it lieth not for a rent reserved by indenture upon a feoffment in fee, 144 a †
Where two joining in a grant of an annuity, the grantee may have two several writs, and where but one, 144 b *
Where it lieth not against an heir by prescription, 162 a *
How created, 144 b *per tot.* 147 a *, 146 *per tot.*
Annuity, *pro consilio*, &c. where grantable over, and where not, 144 a †
What shall be said a sufficient act to determine the election of the grantee of a rent-charge to make it an annuity or a rent, and what not, 144 b ¶, 145 a ¶, b ¶
Where the rent-charge being determined, the grantee notwithstanding shall have an annuity, and where not, 148 a *, 150 a †, 349 a ¶
Where the cause of the grant of an annuity shall amount to a condition, and the one ceasing, the other shall determine, 204 a *
Annuity granted in *Feb.* payable at *Mich.* and the *Annunciation* shall be construed to be at the *Annunciation* and *Mich.* 217 b †
Where in a writ of annuity, the annuity determineth hanging the writ, the arrearages are become irrecoverable, 285 a ¶
A release of actions real or personal, a good bar in an annuity, *ibid.*
Where the annuity is not arrear, a release of all actions is no bar, 162 b ¶

Appeal. *See* Abettors, Outlawry, Release.

The description and derivation of an appeal, 123 b *, 287 b † *
The several sorts of appeals, 287 b *
What shall be said a good plea in bar of an appeal of murder or felony, and what not, 287 b † ¶, 288 a † *
Where the wife shall have an appeal of the death of her husband, and where not, 33 b †
Where the wife shall have an appeal, and yet shall not be endowed, & *è converso*, ibid.
Where the heir shall have an appeal of the death of his ancestor, where the party by whom he conveyeth his discent could not by possibility, 14 a ¶, 25 b †
Within what time it ought to be brought, 254 b ¶
Where in an appeal the parties ought to maintain the combate in proper person, otherwise in a writ of right, 294 b
When to be brought before the constable and marshal, 74

Appearance. *See* Default.

Appellant, who, 123 b ¶, 287 b *

Appendant, Parcel, Incident. *See* Acquittal, Distress, Fealty, Grants, Manor, Prerogative.

Appendant, what, and why so called, 121 b *
The difference between appendants and appurtenants, 121 b *
What things may be appendant to other, and what not, 49 a *, 121, 122 b
Where an advowson at one turn may be appendant, and at another in gross, 122 a †
Where a remitter to the principal shall be a remitter to the appendant; notwithstanding severance by the discontinuee, 349 b *, 363 b *
Where a remitter shall not be to a thing appendant before recontinuance of the principal, 349 b *
How they pass, 56 *, 121 b *, 305 b *
Where a thing being totally disappendant, may be appendant again by a grant in as ample manner, 121 b ¶
What properly said to be an incident, 151 b †
The several sorts of incidents, 93 a †
What services incident to other, 69 a †
Rent and services incident to the reversion, and shall pass by grant of reversion, but not *è converso*, 151 b, 152 a, 317 a *, 324 a ¶, b ¶
Incidents to the blood, not forfeitable or transferrable over, 99 a ¶

Apportion, Apportionment. *See* Damages, Extinguishment, Rent, Revocation, Warranty.

What and whence derived, 147 b ¶
Where part of the land out of which, &c. coming to hands of a grantee of a rent-charge, the rent shall be apportioned, and where not, 147 b ¶, 149 b * ¶, 150 a †
Where a rent-charge may be apportioned by the act of the party, and where not, 148 a †, 149 b ¶, 150 a † *
Where by the eviction of part of the land, the rent issuing thereout shall be apportioned, and where not, 148 b ¶
Where by purchase or surrender of part of the land, or alienation of part of the reversion, a rent-service shall be apportioned, 148 a ¶

Where a rent-charge ſhall be apportioned, albeit the grantee claimeth part of the land out of which, &c. under the grantor, and where not, 148 b ¶
Where a condition may be apportioned, and where not, 215 a ¶
Where notwithſtanding a diſcent of part of the land to a commoner, the entire common ſhall remain, and where it ſhall be apportioned, 149 a †
By purchaſe of part of the tenancy by the lord, what ſervices ſhall be apportioned, and what not, 149 a ¶, b †

Approbatio.

Quid, 295 b ¶

Appropriation.

Where the appropriation of a church to a houſe of religion ſhall be mortmain, 304 a ¶

Appurtenant. *See* Appendant.

What, 121

Archdeaconries.

How divided, 95 a *

Argument.

The ſeveral ſorts of arguments, and what ſhall be ſaid a good argument or proof in law, 11 a * ¶, b † *

Arms and Armory.

The courſe of diſcent of arms, and how it differeth from other inheritances, 27 a *, 140 b †
The arms of *England* and *France*, when firſt united, 7 a *
When the Kings of *England* began firſt to ſeal their charters with a ſeal of arms, 7 a *

Arraignment.

The ſignification and derivation of the word, 156 a †, 262 b ¶
To arraign an aſſiſe, what, *ibid.*
Arraignment of a priſoner, what, 263 a †

Array. *See* Challenge.

The ſignification and derivation of the word, 156 a †

Arrearages. *See* Acquittance, Acceptance, Avowry, Annuity, *Stat.* 32 *H.* 8. *c.* 37.

Where an acquittance for rent due the laſt day, ſhall be a diſcharge of all the arrearages incurred before, 236 a ¶

Aſſets.

What ſhall be ſaid aſſets in the hands of an executor or adminiſtrator, and what not, 41 b ¶, 113 a *, 117 a *, 124 a ¶, 236 a ¶
What ſhall be ſaid ſufficient aſſets to make a lineal warranty a bar to an eſtate-tail, and what not, 374 b *
Where a rent extinct ſhall be ſaid aſſets, 374 b *
Where an advowſon ſhall be aſſets, and how valued, *ibid.*
A ſeigniory of homage or fealty, or in frankalmoign, no aſſets, 374 b *

Aſſignment, Aſſigns. *See* Annuity, Dower, Executor, *Stat.* 32 *H.* 8. *c.* 34. Warranty.

The derivation of the word, 8 b ¶
The ſeveral ſorts of aſſigns, *ibid.*
Where an aſſignee ſhall take advantage of a condition, and where not, 214 b † *, 215 a †, b ¶
Where an aſſignee ſhall take advantage of a covenant real, without being named in the deed; otherwiſe of a warranty, 384 b ¶, 385 a †

Aſſiſe. *See* Diſſeiſor, *Stat.* 2 *R.* 2. *c.* 10. Attornment.

The derivation and proper ſignification of the word, 153 b ¶
The ſeveral acceptations in law of the word aſſiſe, *ibid.* 154 *, b ¶, 155 a b, 159 b †
The ſeveral ſorts of writs of Aſſiſes, and why ſo called, 155 a †, 159 a ¶, b †
Aſſiſe of novel diſſeiſin, and whence ſo called, 153 b ¶
Where an aſſiſe *in confinio comitatûs* lay at the common law, and where at this day, 154 a †. *Vide Stat.* 2 *R.* 2. *c.* 10.
What ſhall be ſaid a good plea in bar of an aſſiſe, and what not, 228 b, 229 a †, 285 a ¶, b *
Where the conuſee of a reverſion by fine upon a leaſe for years being diſſeiſed, ſhall have an aſſiſe before attornment, 320 a *
Aſſiſe of novel diſſeiſin lies againſt the coadjutors, as well as againſt the tenant, 180 b ¶

Attainder. *See* Felony, Treaſon.

Attainder, *Quid* 294 b *, 390 b *
The ſeveral ſorts of attainders, 390 b *
The ſeveral writs of eſcheat upon attainders, 390 b ¶
How it differs from conviction, 390 b ¶
Attainder commences by the pronouncing the judgment, 390 b * ¶
Where a man may be attainted after his death 390 b ¶
By diſcent of the crown upon a perſon attainted, the attainder *eo inſtante* void, 26 a †
The difference between a perſon attainted and convicted, 390 b ¶, 391 a †
What a felon forfeits by conviction before attainder, 391 a †
Judgment to *peine fort et dure* upon refuſal to anſwer according to law, or ſaying nothing, no attainder, 391 a *
Where the defendant in any appeal waging battel is ſlain, he ſhall have judgment to be hanged, 390 b ¶
Where attainder in the admiral's court (by proceeding according to the civil law) for piracy, murder, &c. upon the ſea, ſhall work no corruption of blood, or forfeiture of lands; otherwiſe of an attainder before commiſſioners by the ſtatute 28 *H.* 8 *Vide Stat.* 28 *H.* 8. *cap.* 15.
Attainder of hereſy, or in a *præmunire*, no corruption of blood, 391 a ¶, 8 a *
In what manner and degree the blood is ſaid to be corrupted by attainder, 391 b †
Where a perſon attainted hath iſſue, and after pardon hath iſſue, the youngeſt is not inheritable during the life of the eldeſt, or his iſſues, 8 a *, 392 a *
Where the ſons of a perſon attainted, born before the attainder, ſhall inherit each to other; *ſecus* of ſons born after the attainder, 8 a *
Attainder of treaſon or felony diſables one from bringing any action, 130 a †
——— diſables one from being heir, 8 a, *per tot.*
——— how it affects the blood, and how it may be reſtored, 8 a, *per tot.*
What tenant in tail forfeits by attainder of felony or treaſon, 392 b †

Attaint. *See* Conuſance, Releaſe, *Stat.* 23 *H.* 8. *c.* 3.

The derivation of the word, 294 b *
Where ſuch writ lieth, *ibid.*
The judgment in attaint, 294 b *
No *ſuperſedeas* grantable upon an attaint, 227 b †
A releaſe of all actions, a good bar in an attaint, 289 a †
No attaint lieth upon a verdict in waſte, *quale jus*, or other inqueſt of office, 355 b *
Where it lieth upon a verdict in an aſſiſe, 355 b *
Where an attaint lieth upon a verdict, where the witneſſes are joined to the inqueſt for trial of the deed, and where not, 6 b *

Attorney. *See* Livery, Wager of Law.

The ſignification of the word, 51 b ¶
The ſeveral kinds of attorneys, *ibid.*
What perſons may be attorneys in the King's court, and what not, 128 a *
The difference between an attorney and a *reſponſalis* in ancient times, 128 a *
Where an ideot or lunatick ought to ſue in perſon, and not by attorney, 135 b ¶
Where livery of ſeiſin by an attorney ſhall be good, and when one acts merely as ſuch, he cannot thereby prejudice his own intereſt, 52 a *

Attornment. *See* Alien, Condition, Infant, Notice, Prerogative, Pleading, *Quid Juris clamat*, *Per quæ Servitia.*

The definition of an attornment, 309 a †
The diviſion of attornments, 309 a *
Attornment, why requiſite, *ibid.*

What act, or words shall amount to an attornment, 31● a
Where it ought to be in the life of the parties, and where it shall be good to the heir, 309 a ¶, b †, 315 a ¶
In what conveyances requisite upon passing a reversion, &c. at this day, and in what not, 309 b †, 314 b *, 321 b * ¶
Where the mesne grants over his mesnalty, and the lord paramount releases to the tenant, attornment by the tenant after shall be sufficient to pass the rent-seck by surplusage, 309 b ¶
Where after a grant of the reversion of two acres, the lessor levies a fine of one, an attornment after to the grantee shall pass the other acre, 309 b ¶
Where an attornment for part of the rent shall be good for the whole, 369 b ¶, 314 a ¶, b *
Where an attornment to one jointenant shall be good to both, and one dying, an attornment to the survivor good, 310 a †
Attornment to him in the remainder after the death of grantee for life, void, 310 a †
Where an assent in the absence of the grantee shall be a sufficient attornment, 310 a *
Where two grants are made of the same thing, an attornment to the second shall be a frustration of the first, 310 a ¶
Where the enlargement or alteration of the particular estate, after grant of the reversion, shall be a countermand of the attornment, 310 a ¶
Where a feme grants a reversion, the taking of a husband shall be a countermand of the attornment, 310 b †
To what purposes an attornment shall have relation to the first grant, and to what not, 310 b *
Where a reversion is granted to a man and a feme, by an attornment to them after marriage, they have no moieties, 310 a †
Where the intermarriage of a feme grantor with the grantee shall be a good attornment in law, 310 a †
Where an attornment to *cestuy que use* shall vest the reversion in the grantee, 310 a †
Where an attornment to the grantee for life of a reversion shall be good to all in the remainder, 310 a *
Where a reversion is granted for life, and after to the same grantee for years, an attornment to both grants void, 310 b †
Where a seigniory is granted to a bishop and his heirs, and after to him and his successors, attornment to both grants void, 310 b †
Where a reversion is granted of Black Acre, or White Acre, an attornment to the grant shall vest the estate in the grantee upon his election, 310 b †
Where upon the feoffment of a manor nothing of the services pass until attornment of the free tenants, 310 b * ¶
Where in pleading such a feoffment the attornment of the tenants need not be alledged, 310 b ¶
Where the tenant attorns to a lease for years of the manor, the attornment after of the lessee shall be sufficient to pass the reversion, 311 a †
Where to the grant of a seigniory, &c. the attornment only of the immediate tenant in privity requisite, 311 a * ¶, b †, 312 a † *, b †, 313 b ¶
Where to the grant of a rent-charge or seck, the attornment only of the tenant of the freehold requisite, 311 b *per tot. pag.*
Where such rent is granted for life, and the tenant attorns, the attornment after of the grantee shall be sufficient to pass the reversion, 311 b ¶
Where upon grant of such rent issuing out of the reversion, the attornment only of him in the reversion requisite, 311 b ¶
Where, and to what kind of inheritances granted, attornment is requisite, and where, and to what not, 312 a *
Where an attornment to the grantee for life of a seigniory shall be good to him in the remainder to distrain, and where not, 312 b †, 320 b ¶
Where the acceptance of a grant of the seigniory by the baron seised of tenancy in the right of his wife, shall be a good attornment to bind the wife after coverture, 312 b ¶
Where a seigniory is granted to the tenant and a stranger, the acceptance of the tenant shall be a sufficient attornment to extinct his moiety, and vest the other in the grantee, 313 a †
Where the acceptance of a grant of the seigniory to the wife by the husband being tenant, shall be a good attornment, 313 a *
Where the acceptance of a grant of the seigniory by a lessee for life of the tenancy shall be a good attornment to vest the seigniory in himself, 313 a ¶, b †
Where, in a *scire facias* upon a fine, judgment to recover part of the services shall be a good attornment in law for the whole, 314 b *
Attornment by one jointenant good for all, 314 a *, 319 a ¶
Where a man deaf and dumb may attorn; *secus* of a *non compos mentis*, 315 a ¶
Where upon grant of reversion, tenant by statute merchant, &c. or executors having the land till the debts be paid, shall be compelled to attorn, 315 b ¶
Where tenants in dower, or by the courtesy, after assignment of their estates shall attorn, and where the attornment of the assignee shall be sufficient, 316 a † *
Where the attornment of an assignee of the particular estate upon condition shall be sufficient to pass the reversion, 316 a *
Where an attornment by tenant in tail shall be good, and where he shall be compelled to attorn, and where not, 316 a ¶, b †
Where the attornment of lessee for years, or him in the remainder for life expectant, shall be sufficient to pass the reversion in fee, 316 b ¶, 317 a †
Where the acceptance of a lessee for life of a confirmation of his estate, the remainder over, shall be a good attornment to vest the remainder, 317 a ¶
Where by the release of one jointenant to his companion, he shall distrain for the whole, and have an action of waste against the lessee without attornment, 318 a †
Where the re-entry of the lessee upon the feoffee of his lessor shall be a good attornment to settle the reversion in the feoffee, 318 b * ¶
Whether the recovery in an assise by the lessee for life against such feoffee shall be an attornment, *Quære*, 319 a †
Where a reversion is granted for life upon a lease for life, and the lessee attorns, and the lessor disseises the lessee, and make a feoffment, the regress of the lessee shall be no attornment of the grantee for life, 319 a ¶
Where a seigniory or reversion is granted by fine, what advantages the conusee may take before attornment, and what not, 319 b ¶, 320 a and b *per tot pag.*
Where by a general attornment without any saving, the tenant for life shall lose his privileges, and where not, 320 a *, b
Where one that claimeth under a conusee by fine may distrain or maintain any action, albeit no attornment made to the conusee or him that hath his estate, and where not, 309 b *, 321 a and b, *per tot. pag.*
Where the devisee of a reversion may distrain or have any action without attornment, 322 a, b †
Where an attornment upon condition shall be good, and where not, 274 b †
Attornments taken away by 4 & 5 *Annæ*, 402 a †

Audita Querela. *See* Executor, Release.

Where for matter of discharge happening since the judgment, the party shall have an *audita querela* before execution, 290 b *
A release of all actions personal, a good bar in an *audita querela*, 289 a †

Averment, *See* Pleadings.

Averment, what, 362 b *
The several kinds of averments, 362 b * ¶
What pleas ought to be averred, and what not, *ibid.* 303 a ¶
Where in a *præcipe* the tenant pleads non-tenure, or disclaims, the demandant notwithstanding may aver him tenant, and where not, 362 b †, 363 a ¶

Aumone.

What *aumone* is, 97 a †

Avowry. *See* Acceptance, Aid, Stat. 21 *H.* 8. *c.* 19. 32 *H.* 8. *c.* 37.

The several forms and kinds of avowries for rents and services, 296 a ¶, b †
Where the lord shall be compelled to avow upon the feoffee or grantee of his tenant, and where not, 269 b † ¶, 321 a *
Notice to the lord to change his avowry not sufficient without tender of his arrearages, 269 b ¶
Where the lord by his avowry upon the feoffee of his tenant shall lose the arrearages incurred in the time of the feoffor, and where not, 269 b *
Where the tenant being disseised shall compel the lord to avow upon him, and where not, 268 a ¶, b ¶
Where the avowry of the donor upon his own donee in tail shall be good notwithstanding a discontinuance, 77 a †, 269 a †
Where the donor in tail, having but one reversion, shall make two several avowries upon his donee, 23 a *

Where the lord at this day may avow upon the lands and tenements holden without naming any person in certain, 262 b † ¶
Avowry for rent don't discharge rent due or antecedent to the time mentioned in the avowry, 402 a ¶

Authority. *See* Apportionment.

Where the performance of the substance shall be a good pursuit of an authority, and where it ought to be strictly pursued, 49 b †, 52 a *, b †, 303 b †
Where by the execution of the authority of another concerning lands, a man shall prejudice his own interest, and where not, 52 a ¶
Where a man may do less than his authority warrants, and where not, 52 a ¶, b †, 258 a ¶, 259 a †
Where the death of the party shall be a countermand of his licence and authority, and where not, 52 b * ¶
Where an authority shall survive, and where not, 181 b †
Where an authority is given to three or four jointly or severally, the act done by two shall be good, and where not, 181 b *
Where a man doing more than his authority warrants, it shall be good for all; and where good for that which is warranted, and void for the rest, 258 a *

Ayel.

Where a writ of ayel lies, 160 a *

Bail.

Whence derived, 61 b *
How they are bound, 265 b *

Bailiff. *See* Accompt, Socage, Stat. *Magna Charta*, cap. 28.

The signification and derivation of the word, 61 b *, 168 b † *, 172 a †
The office and duty of a bailiff, 62 a †, 168 b †
Where and for what things a bailiff chargeable in an accompt, 172 a *, 89
Bailiff shall not be charged as receiver, 172 a *

Bailment.

Where the bailee shall satisfy for the goods stoln or otherwise miscarried, and where not, 89 a ¶, 398 b ¶

Bank.

The signification of it, 71 b †
The antiquity of the court of common bank, *ibid.*
The style of the courts of the king's-bench and common-pleas, 71 b †

Bankrupt.

When he shall be discharged of a bond, 401 b *

Bar. *See* Pleadings.

The signification of the word, 372 a *

Bargain and Sale. *See* Attornment, Reservation.

What estate the bargainor shall be said to have in him before inrollment, 147 b *
To what purposes a bargain and sale after inrolment shall relate to the first delivery, and what not, 147 b *, 186 a *
Where the bargainee of a seigniory or reversion shall distrain, or have an action of waste before attornment, 309 b †, 321 b ¶

Baron and Barony. *See* Bishop, Challenge.

How barons anciently were created, and how at this day, 9 b *, 16 b † *
The first creation of a baron by patent, 9 b *
The estate and livelihood of a baron, 69 a * ¶, 83 b †
The relief of a baron, 69 b †, 23 b †
Where a man called by writ dieth before he sits in parliament, no baron, 16 b †
The form of such writ, *ibid.*
Issue of baron, &c. or no baron, how triable, 16 b *
What monasteries and bishopricks in England were and are held by barony, 79 a *
Where a barony may be entailed, 20 a *
How they were originally held, 396 a †

Baron and Feme. *See* Coverture, Fine, Jointenants, Marriage, Partition, Remitter, Receit, Stat. 32 *H.* 8. *c.* 37. Waste, Wager of Law.

To what purposes baron and feme are said to be one person in law, 112 a *, 187 b †
What things of the wife are given to the husband by the marriage, and what not, 119, 170, 300, 351 a *per tot. pag.* and b †
Where the husband shall have the chattels real of his wife, and where not, 46 b *, 185 b *, 299 b ¶, 300 a †, 351 a * ¶
What act of the husband shall be a disposition or alteration of the term of his wife, and what not, 46 b *, 351 a *
Where upon an execution against the husband the sheriff shall sell the term of the wife, 351 a *
Where the charge of the husband upon the chattel of the wife shall not bind the wife surviving, *ibid.*
Where the husband surviving shall have the chattels of his wife consisting in action, and where not, 351 a ¶, b †
Where the wife and her heirs shall be bound by her's and her husband's lease, and where not, 344 a ¶
What, and how the husband may convey to his wife, 112 b †, 132 b ¶, 133 *per tot. pag.* 297.
What, and how the wife may convey to her husband, 112 a and b
What acts, and when the wife may do with her husband, 132 b ¶, 352 b †, 353 a † *
When the feme may vouch the husband, 390 a *
The acts of the husband and wife shall be accounted his, 352 b †, 356 a †, b *, 357 a †
By what means the husband in his life may pass an estate in lands to the wife, and by what not, 112 a *
Where a sale of lands by the wife to the husband shall be good, and where not, 112 a ¶, 187 b ¶
Where a protection cast for the husband shall be good also for the wife, 130 b *
Where the husband may be an attorney to deliver seisin to his wife, 52 a *, 187 b ¶
Where the grant of acquittal to the husband and his heir shall extend to the wife after his death, 241 a *
Where the laches of the husband shall prejudice his wife, and where not, 246 a ¶, b † *
Where by attainder of the wife the lord by escheat shall oust the husband before issue, 351 a *
What estate the king gaineth by attainder of the husband during coverture, *ibid.*
Where a devise by the husband to the wife shall be good, but not *e contra*, 112 a *, b †

Barretor. *See* Warranty.

The derivation of the word, 368 b †
The description of a barretor, 368 a ¶

Bastardy. *See* Age, Mortdancestor, Partition.

The etymology of the word (Bastard) 243 b ¶, 244 a †
The several kinds of bastards, 244 a †
Bastard, of what esteem in law, 3 b †, 123
By what names he may purchase lands, and what not, 3 b †
Bastard, no child within the statute of 32 and 34 *H.* 8. Of Wills, 78 a ¶, 123 b †
No consideration to raise an use, 123 a ¶
A bastard brother, &c. no principal challenge, 157 a *
Issue born after nine months or forty weeks of the husband's decease, a bastard, 123 b †
Where the issue born within marriage shall be reputed a bastard, and where not, 244 a *, 40 a †
How to be tried, 74 a *
In what law, and to what purposes a bastard-eigne is esteemed a *mulier*, 245 a †
Where the dying seised of the bastard-eigne without interruption shall bar the right of the *mulier*, 243 b ¶, 244 a †, b *
Where such dying seised without a discent shall be no bar, 244 a *
What seisin by the bastard during life shall be sufficient to bar the *mulier*, and what not, 15 a ¶
Where an entry by the bastard, and a discent after the death of the *mulier*, his wife being *privement ensceint*, shall bar the son born after, 244 a *
Where the bastard dies, his wife *enseint*, the entry of the *mulier* shall bar the issue born after, 244 a *
Where the discent to the issue of the bastard before entry shall bar the *mulier*, 244 a *

Where

Where such dying seised of the bastard shall bar an infant or feme covert *mulier*, ibid.
Where such discent of services, rents, reversion, &c. shall bar the *mulier*, 244 a ¶
Where such discent shall bind the *mulier*, notwithstanding the wife of the bastard be endowed, 244 a ¶
Where such discent upon the profession of the bastard in religion shall be a like bar, 244 a ¶, 248 b ¶
Where the collateral heir shall as well be bound by such discent as the *mulier*, 244 a ¶
Where two daughters, a bastard and *mulier*, enter generally upon the death of the bastard, her issue shall inherit a moiety, 244 a ¶, 368 a †
Where the entry and dying seised of the son of the bastard shall bar the *mulier*, 244 b †
The entry of what persons shall avoid the estate of the bastard, and of what not, 245 a * ¶
Where the agreement of the *mulier* to the entry of a stranger shall be a good claim to avoid the estate of the bastard, 245 a ¶
What act shall be said an interruption of the possession of the bastard, and what not, 245 b † *
Where the bastard after his entry shall be vouched only by reason of the warranty of his ancestor, 376 b *

Bedell.

The derivation of the word, 235 b *
The oath and office of bedell, *ibid.*

Benerth.

The signification of it, 86 a †

Berewica and *Berewit.*

The meaning of the words, 116 a †

Berquarium seu *Bercaria.*

The meaning of those words, 5 b *

Bishop. *See* Aid, Confirmation, Corporation, Ordinary.

How all the bishopricks in England and Wales are of the king's foundation and patronage, and held by barony, 97 a * ¶, 134 a *, 344 a *
The number of them, and which are of ancient continuance, and which of later foundation, 94 a *
How anciently they were donative, and by what means they became elective, 134 a ¶, 344 a *
Who may write to the bishop to certify bastardy, mulierty, &c. and who not, 134 a ¶
Where, and as to what acts, the privation or translation of a bishop shall amount to a death, and where and as to what not, 329 a *
When he did or did not pay relief, 70 b *

Blood. *See* Attainder, Heir, Inheritance.

The several bloods which a man is said to have in him, 12 a *, b *, 14 a *
Who shall be said next of blood as to several purposes, 10 b *per tot. pag.* 88 b *
What blood shall be said more worthy than other, and shall inherit before other, 12 b *per tot. pag.* 14 a *per tot. pag.*

Bokeland.

What it is, 6 a ¶, 58 a †

Bona.

What the word signifies, 118 b *
How divided, *ibid.*

Bordarii and *Borduanni.*

Who are said to be so, 5 b *

Boscus.

Quid, and what passeth by it, 4 b * ¶

Bote.

The signification of the word, 127 a *

Bovata Terræ.

What it is, 5 a ¶

Briga.

The meaning of it, 3 b ¶

Bruera.

Quid, unde, and what passes by it, 5 b ¶, 5 a †

Burgage. *See* Knights Service and Socage.

The etymology of the word, 108 b ¶, 109 a ¶
The description of a tenure in burgage, 108 b ¶, 109 a †
Of what person such tenure may be, 109 a *

Burgebote.

What it is, 109 a †, 127 a *

Burgh-English. *See* Custom.

Bye and Byan.

What they are, 5 b *

Capacity. *See* Alien, Attorney, Challenge, Coverture, Feoffment, Infancy, Juror, Office, Purchase, Queen, Socage.

Mutus, surdus et cæcus, of what things capable in law, and of what not, 8 a *
What persons capable of offices of state, or which concern the common-weal, and what not, 107 b *per tot. pag.*
Of what things a monk is capable, and of what not, 132 b *

Castle. *See* Dower, Knights Service.

What things shall pass by the grant of a castle, 5 a *
What castle may be built by a subject, and what not, *ibid.*
What castle may be divided in a partition between parceners, and what not, 165 a ¶

Castleguard. *See* Knights Service.

Where such tenure remains tho' the castle is ruined, 83 a *

Causa Matrimonii prælocuti. *See* Warranty.

Where a man gives land to a woman *causa*, &c. though he marry her, or the woman refuse, he shall retain the land for ever, but not *è converso*, 204 a *
Where the feme in pleading may aver such gift to be *causa matrimonii*, &c. without shewing a deed, *ibid.* 226 a *

Certainty. *See* Estoppel, Pleading.

The several kinds of certainty, 303 a *
Where there may be a certainty in an uncertainty, 96 a *

Certificate. *See* Trial.

Cessavit. *See* Age, Stat. *Westm.* 2. *c.* 21.

Where it lieth against the heir within age, 380 b ¶
Where the tenant holdeth lands in several counties by one service, no *cessavit* lieth, 154 a †

Challenge. *See* Juror, Stat. 2. *H.* 5. *c.* 3. 27. *El. c.* 6. *W.* 2. *c.* 38. *Artic. super Chart. c.* 9. Trial, Verdict.

The signification and derivation of the word, 155 b ¶
The several sorts of challenges, 156 a †
What shall be said a principal cause of challenge to the array of the panel, and what not, 156 a † *
What shall be said a sufficient challenge to the array for favour, and what not, 156 b ¶
Where such challenge may be made, the king being party, and where not, 156 a ¶
Where the party, notwithstanding his challenge to the array found against him, shall have his challenge to the polls, 156 b †

Challenge to the polls, what, and the several kinds of such challenges, 156 a †
Challenge peremptory, what, where admitted, and what number the party might challenge at the common law, and what at this day, 156 b † *
The several sorts of principal challenges to the polls, 156 b *
Where a peer of the realm ought to be challenged, and if neither party will challenge him, he may challenge himself, 156 b ¶
What shall be said a good challenge for want of freehold, and what not, 156 b ¶, 157 a †
Where an alien or villein may be challenged, 156 b ¶
What person may be challenged for an insufficient hundredor, and what not, 157 a †
What shall be said a principal challenge to the polls by cause of affection, and what not, 157 a ¶, b *per t. t. pag.*
Where the plaintiff may alledge a principal cause of challenge to the array, and pray process to the coroners, and where he ought to have a *venire facias* to the sheriff, 157 b *
Where in outlawry of treason issue is joined upon a collateral point, yet the party may have such challenges, as if he had been arraigned upon the crime itself, 157 b ¶
What crime in a juror shall be a principal cause of challenge, and what not, 6 a † *, 158 a †
At what time each challenge ought to be taken, and where the party must shew the cause of his challenge presently, and where not, 158 a †, b †
How and by whom challenges shall be tried, and to whom process shall be awarded, 158 a * ¶, b †
Where a witness may be challenged, and where not, 6 b †
Where a man may be challenged to be a juror, that cannot be challenged to be a witness, *et è converso*, 6 b †
Where a nobleman being arraigned cannot challenge his peers, 156 b *, 294 a ¶
Where the four knights electors of the grand assise ought not to be challenged, 294 a ¶
Where and at what time the jurors in a writ of right may be challenged, and where not, *ibid.*

Champerty [*Cambipartia*]. *See* Maintenance.

The etymology and signification of the word, 368 b ¶

Charge and Discharge. *See* Abeiance, Annuity, Baron and Feme, Confirmation, Condition, Forfeiture, Heir, Jointenant, Parson, Remitter, Rent, Reservation, Tail.

Where, and how a moveable inheritance in lands may be charged, 343 b *
Where a charge shall survive, and where not, 336 b *
Where the estate of the wife shall be bound by the charge of her husband, and where not, 148 b *
Where the acceptance of an estate against common right shall subject the party to charges accruing since his title, 32 b †, 33 a *, 273 a ¶
Where tenant in tail discontinues for life, and after grants a rent-charge, notwithstanding the death of the discontinuee the charge remains, 145 a †

Charters. *See* Detinue, Dower.

Where they pass as incidents to the land, where not, 6 a †

Chase. *See* Forest.

Chattels. *See* Baron and Feme, Executor, Freehold.

The several sorts of chattels, 118 b *
Where they shall descend or go in succession, and where not, 9 a †, 18 b *, 46 b ¶, 185 b ¶, 388 a *
What chattels are grantable without deed, and what not, 85 a *per tot. pag.*
In what respects tenant by statute-merchant, staple, &c. said to have a freehold, and in what but a chattel, and why, 42 a *, 43 b *
Where a freehold may be limited in a chattel, 147 b †

Chevage.

What chevage is, 140 a *

City. *See* Village.

The description of a city, 109 b †
For what purposes cities first instituted, 109 b *
The number of cities in England, *ibid.*
Every city a village, but not è converso, 109 b ¶
Citizen not capable of the performance of an honourable service, 107 b †

Claim. *See* Continual Claim.

Clergy. *See* Bishop, Dean and Chapter, Monks.

The several sorts of ecclesiastical persons, 93 b ¶
The state of the clergy in England at this day, 94 a *
How clergymen anciently excelled in the knowledge of the common law, and the names of divers that had principal offices of judicature, 304 b †

Coleberti.

Who are so called, 5 b *, 86 a †

Collusion. *See* Covin.

Combe.

What it is, 5 b ¶

Commote.

What a commote is, 5 a *

Commission.

Where a commissioner to examine witnesses may be challenged to be a juror in the same cause, and where not, 157 b †

Common. *See* Appendant, Apportionment.

Common, whence so called, 122 a *
The several kinds of commons, 122 a *
Where by purchase of parcel of the lands in which, &c. the whole common shall be extinct, and where not, 122 a *
Where a disseisee cannot take benefit of a common appendant before recontinuance of that to which, &c. *secus* of an advowson appendant, 122 b ¶
Prescription to have *solam communiam*, and to exclude the owner, void; *secus* to have *solam vesturam*, or *pasturam*, 122 a ¶, 165 a †
Where the lord claims common appendant to his manor, the escheat of a tenancy is no increaser of the common, 127 a ¶
Appendant belongs of common right to arable land for beasts of the plough, 12 *per tot.*
Appurtenant, for what beasts, and how it commences, 122 a *per tot.*
Pur cause de vicinage, how it commences, and for what beasts, 122 a *
In gross, what, and how it began, 122 a *
When it shall, and when it shall not be extinguished, 149 a

Conclusion. *See* Estoppel.

Condition. *See* Acceptance, Apportionment, Assignee, Coverture, Deeds, Demand, Infant, *Stat.* 32 *H.* 8. *c.* 34. Tender and Refusal.

The divisions of conditions, 201 a ¶, b † *
The description of a condition in deed, 201 a *
What words shall make a condition, and what not, 230 a ¶, b, 204 a and b
Where the cause of a grant shall amount to a condition, and where not, 204 a *
Where a proviso shall amount to a condition, where to a limitation, and where to a covenant 203 b *, 237 a *
What words shall amount to a condition in case of a lease for years, 204 a ¶
Where by entry for a condition broken the parties shall be in their former estates as to all purposes, and where not, 30 b *, 103 a ¶, 202 a ¶, b †, 218 b *
Where upon a condition of re-entry for not payment of a rent and retainer until satisfaction, the profits after entry shall be accounted as parcel of the satisfaction, and where not, 203 a *
What state the feoffor gaineth upon such re-entry, 203 a *

Where

Where notwithstanding such condition to retain, the feoffee upon tender of the rent may oust the feoffor, 202 b ¶, 203 a †

Where a condition subsequent is against law, or impossible at first, or becometh after impossible by the act of God, the estate of the feoffee shall be absolute, 206 a, b † *, 219 a †

Where the condition of an obligation or recognizance, &c. becometh impossible by the act of God, the obligation, &c is saved, 206 a ¶

Where the condition of a bond being against law, the bond itself shall be void, and where not. 206 b *

Where a man shall never take advantage of a condition where the not performance cometh by his own act or default, 206 b †, 209 a †

Where a lease and release shall be a good performance of a condition to make a feoffment, 207 a ¶

Where an assignee or the feoffee himself after assignment, may tender money in performance of a condition, 207 b * ¶, 208 a †

Where no time is limited for performance of a condition, where the party shall have time during his life, and where it ought to be performed in convenient time, 208 a * ¶, b *per tot pag* 219 a † *, b †

Where a condition is to be performed to a stranger, a tender and refusal shall give the feoffor or obligee a title of entry or forfeiture, and where not. *Vide* tit. Tender and Refusal.

Where a condition is broken for not payment of a rent, the bringing of an assise, distress, or acceptance at a day after shall be a good dispensation 211 b * ¶

Where a condition shall be said performed albeit the words be not pursued, and where not, 213 a *, 218 a *, 219 b * ¶

What persons may take advantage of a condition, and what not, 214 a * ¶, b, 215 a and b 379 a †

Where the heir may take advantage of a condition which his ancestor could not by possibility, 214 b ¶

Where a condition which createth an estate shall be good without deed, 216 a ¶

Where upon a grant for years conditionally to have fee, the fee shall be said to be in the grantee before performance of the condition, and where not, 216 b, 217 a and b, 218 a †

A lease to a man and a woman, upon condition which of them first marry shall have fee, and they intermarry, no fee shall accrue, 218 a *

Where a lease is made with condition to have fee upon payment of money, the attainder and execution of the lessor before the day shall hinder the accruer, 218 a *

Where notwithstanding the devesting of the freehold or fee by condition subsequent, the former interest of the party shall remain in him and where not, 218 b † *

Where a man may take advantage of a condition without entry or claim, and where not, 218 a * ¶, b †, 216 b ¶, 237 a *, 379 a †

Where a condition is to make a gift in frankmarriage to one with the cousin of the feoffor, a gift to him for life shall be a good performance, 219 b *

Where a condition is to make a gift in frankalmoign to a layman, a gift to him for life shall be a good performance, 219 b *

Where a condition is to make a lease for life to a woman without impeachment of waste, a lease to her and her husband without such clause shall be a good performance, 219 b ¶, 220 a †

Where a condition to enfeoff the feoffor and his heirs, a feoffment to the heir of the feoffor to have to him and his heirs shall be no performance, 220 b †

Where a feoffment is made upon condition of re-feoffment, what act by the feoffee shall be said a breach of such condition, and what not, 221 a, b, 222 a, b *

Where the feoffee is once disabled, no possibility after can enable his performance; *secus* of a disability of the part of the feoffor, 221 b * †, 222 a †

Where a tenant of the king by licence makes a feoffment upon a condition of re-feoffment, a feoffment to his heir after his death shall be no performance, 222 a ¶, b †

Where an advowson is granted upon condition of re-grant, a re-grant after the church is void, is no performance, 222 b †

Where the restriction of alienation by the condition of a gift or conveyance shall be good, and where repugnant, 223 a *per tot. pag.* b †

To what intent a condition that restrains the donee in tail to alien shall be good, and to what not, 223 b * ¶, 224 a † ¶, b †, 379 a *

Where a condition restraining an infant, baron and feme, or an ecclesiastical corporation, to alien, shall be good, and where not, 224 a *

Where a condition that tenant in tail may alien for the benefit of his issues shall be good, 224 b †

Where a condition to enter upon the alienation and death of tenant in tail without issue, shall be a good prevention of a discontinuance, 224 b * ¶, 225 a †

Where a condition consisteth of several parts in the conjunctive, disjunctive, or both, how it shall be construed, and when said to be performed, 225 a † *

How a man may be aided by a condition without a deed, 226 a ¶, b

The description of a condition in law, 233 b *

Where an entry or recovery by reason of a condition in law shall avoid precedent charges, and where not, 233 b ¶, 234 a †

What words in a last will shall make a condition, that cannot in a deed, 236 b †

What things may be done upon condition, and what not, 274 b †

Where and what assent to an act may be upon condition, and what not, 300 b ¶, 297 a

Where the heir shall enter for a condition broken, albeit no right in the land descend, 202 a *, 236 b *

Where upon a gift, &c. a condition is reserved to a stranger, the donor himself shall take advantage of it, and not the stranger. 379 a * ¶

Where a condition may stand good for part, and be void for other part. 379 a *

Where an alienation shall extinguish a condition or power of revocation, and where not, 265 b †, 379 a ¶, b †

Where a lease for life is made with condition to have fee upon alienation of the reversion, upon alienation by fine there shall be no accruer, 378 b *

Where in a gift in tail a condition upon alienation of the donee, that his estate shall cease and remain over, shall be void, 377 b, 378 a, b, 379 a

Confirmation. *See* Attornment, Release.

The etymology and definition of a confirmation, 295 b *

The form of a confirmation, *ibid.*

The several kinds of confirmations, 295 b ¶

What shall be said good words of confirmation, and what conveyance shall amount to a confirmation, and what not, 301 b * ¶, 302 a *per tot pag.*

Where the same words shall amount to a grant and confirmation of one and the same thing, 302 a †

Where privity is requisite in a confirmation, and where not, 296 a †, 305 b †

Where a confirmation to the lessee for years of a tenant for life or disseisor shall be good; *secus* of a release, 296 a, b †, 308 a †

Where a lease is made to begin at a day to come, a confirmation to the lessee before the day shall be void, 296 b †

Where a confirmation of part of the estate shall be a good confirmation of the whole, and where only for that part, 296 b ¶, 297 a † *

Where a confirmation to him in the reversion or remainder shall enure to the particular estate in possession, but not *e converso*, 297 a ¶, b †, 298 a †

Where tenant in tail hath reversion in fee expectant, a confirmation of the estate-tail shall not extend to the reversion, 297 a ¶

Where two leases for years are in being, determinable upon the death of tenant for life, and he in the reversion confirms the last, and after confirms the first lease, by death of tenant for life, the first shall determine, and the last continue, 296 a *

Where two jointenants be, one for life, and the other in fee a confirmation to the jointenant in fee for his life shall extend to his companion, and the whole fee simple also, 297 b †

Where one disseisor by the confirmation of his disseisee should hold out his companion, and where not, 298 a ¶, b † *

Where a confirmation to tenant for life to have his estate to him and his heirs shall make no enlargement; otherwise where it is to have the land to him, &c. 191 b ¶, 298 a †

Where a confirmation to the husband and wife seised in the right of his wife for life, shall enure to the husband in remainder for his life, 299 a ¶, b ¶

A confirmation to a baron and feme, seised for life in right of the feme, to have to them and their heirs, how it shall enure, 299 b †

A confirmation to baron and feme, tenants for life by several moieties, to have to them and their heirs, how it shall enure, *ibid.*

A confirmation to the tenant for life and him in the remainder for life, to have to them and their heirs, how it shall enure, 299 b *

Where after a gift to two men and the heirs of their bodies, the donor confirms to them and their heirs, how it shall enure, *ibid.*

Where a confirmation to baron and feme possessed of a term for years in right of the feme, shall enure to them for their lives in jointenancy, 300 a †

Where the re-entry or recovery of the disseisee shall not avoid the charge of the disseisor or his heir against his own confirmation, 300 a *
Where the feoffor by entry for a condition broken, shall not avoid the charge of the feoffee against his own confirmation, 300 a *, 301 a ¶
Where the licence of the patron and ordinary to the parson to grant a rent shall be a good confirmation of the same grant, 300 b *
Where the confirmation of the grant of a parson by the bishop sole without the dean and chapter, shall be good, and where not, 300 b *, 329 a ¶
Where the grant of a parson, with the confirmation of patron and ordinary, shall bind the successor during the continuance of the patron's estate, 300 b * ¶
Where the grant of a parson confirmed by another parson, his patron, shall bind only during his life without the confirmation of the patron paramount, 300 b *
Where tenant in tail being patron, confirms and after discontinues, the grant shall bind during the discontinuance, and if the tail be barred, for ever, 300 b ¶
Where a bishop having two chapters makes a grant, the confirmation of the one without the other shall not bind his successor, 301 a *
Where a disseisor makes a charter of feoffment, and a letter of attorney to make livery, the confirmation of the disseisee before livery is void; *secus* of such charter by a bishop, and confirmation by the dean and chapter, or of the grant of a reversion before attornment, 301 a †
Where a bishop at the common law granted land to the king, the confirmation of the dean and chapter before enrolment was good to bind the successor, albeit the confirmation was never enrolled, 301 a †
Where tenant for life grants a rent in fee, the confirmation of him in the reversion shall make the rent good for ever, 301 a *
Where the lease of tenant for life and him in the reversion shall be said the lease of the tenant and confirmation of him in the reversion, and where *è converso*, 45 a * ¶
Where the grant of the bargainor and bargainee before inrollment shall be said the grant of the bargainor and confirmation of the bargainee, but *è converso* after inrollment, 147 b *
Where the heir of the disseisor and the disseisee join in a feoffment, it shall be construed the feoffment of the heir and confirmation of the disseisee; but *è converso*, if the disseisor himself and the disseisee had joined, 302 b † ¶. *Vide* tit. Feoffment
Where a tenure may be abridged by a confirmation; *secus* of a common or rent-charge, 305 a * ¶
Where the reservation of a new tenure upon a confirmation to the tenant shall be void, 305 a ¶, 306 a †
A confirmation or release by the lord paramount to the tenant to hold by lesser services void, 305 b † *
Where the lord releases or confirms to his tenant in chivalry to hold by knights service only for all services and demands, yet ward, marriage, &c. shall continue, 305 b ¶
Where a confirmation to an abbot, tenant to hold in frankalmoign, shall be good, 306 a * ¶, b †
Where a stranger seizes and detains a villain, a confirmation to him by the lord void, 306 b †
Where a confirmation to the grantee for life, of a rent, shall be good by way of enlargement, and where not, 308 a * ¶
Where a confirmation to lessee for life of his estate, the remainder over, shall be sufficient to pass the remainder, 317 a ¶

Consanguinity.

How the degrees are computed by the common, canon, and civil law, 23 and 24 *per tot.*

Constable. *See* Marshal.

The several acceptations in law of the word, 234 b †

Continual Claim. *See* Discontinuance, Entry, Fines, Livery of Seisin, Remitter, *Stat.* 32. *H.* 8. *c.* 33.

The description of a continual claim, and whence so called, 250 a ¶, b †
Where a continual claim by him that hath right and cannot enter shall avoid a discent, 250 b † *
Where the heir shall take benefit of a continual claim made by his ancestor to avoid a discent, and where not, 250 b ¶
Where the continual claim of him in the reversion or remainder shall avoid a discent in the alienee of tenant for life, 251 a †
Where the claim by him in the remainder for life shall avail him in the remainder in fee, as to the avoidance of such discent, and where not, 251 a ¶, b, 252 a *
Where the surviving jointenant shall take benefit of a continual claim made by his companion, 252 a *
Where and to what purposes a continual claim shall amount to an entry and seisin, and where and to what not, 253 b *per tot. pag.* 254 a †, 263 a *
Where such claim out of the view of the land, and where within the view, shall be sufficient, and where not, 254 a ¶, b † *
Within what time a continual claim ought to be made at the common law, and within what at this day, 254 b ¶, 255 a, 256 a *
Where such claim at the common law shall avoid all manner of discents happening within the year and day, 255 b
Where such year and day to avoid a discent shall not be accounted from the disseisin but from the claim, 256 a † *
Where the continuance of possession after every such claim shall be a disseisin, for which the party may have trespass, or a forcible entry if it be with force, 256 b, 257 a
Where such claim made by the servant of him that right hath upon his commandment, shall be sufficient to avoid a discent, and where not, 257 b * ¶, 258 a and b, 259 a †
Where a claim of goods shall amount to a seisure, and where not, 111 b ¶
Where the bringing of an action shall amount to a claim, 263 a * ¶, 145 b †
What will be good to prevent the statute of limitations from barring, what not, 401 a ¶
Where the husband discontinues the land of his wife upon condition, by the entry of his heir for the condition broken, the state shall vest in the wife without entry or claim, 202 a *, 336 b *, 337 a †
Where an agreement to the entry of a stranger in the name of him that hath right within the five years, shall be a good claim to avoid a fine, 245 a *, 258 a †
Within what time claim ought to be made after judgment in a writ of right, or upon a fine levied at the common law, 254 b ¶, 262 a *
Nonclaim no prejudice to an infant at the common law; otherwise to a feme covert, 262 b †

Contract.

The derivation of the word, 47 b *
What shall be said a sufficient contract whereupon to ground an action of debt, and what not, 162 b ¶

Conusans of Pleas. See *Quare Impedit*, Stat. 33 *H.* 8. *c.* 3.

Of what matters the Ecclesiastical Court ought to have conusans, and of what not, 56 a ¶, b † *

Cope.

What it is, 4 b ¶, 5 b ¶

Copyhold and Copyholder. *See* Bailiff, Dower, Steward, Tenant at Will.

The signification of the word *copia*, 57 b ¶
The description of a tenancy by copy, 57 b ¶, 58 a †
Copyholder may make a lease for one year, 58 a *
May maintain an ejectment, *ibid.*
Whence so called, 60 a †
How copyholders in ancient times were called, 58 a †, 61 a *, 62 a ¶
By what things a copyhold custom ought to be supported, 58 b *
What things may be granted by copy, and what not, 58 b † ¶
By what persons admittances and voluntary grants by copy ought to be made, and by what not, 58 b †
Where a grant by copy shall be good by one who is not *dominus pro tempore*, 58 b *
By what means copyhold-land or right may be transferred over, and by what not, and why not by deed, 58 b ¶, 59 a * †, 61 b *
The form of a copyhold surrender, 59 a *
Where such a surrender out of the court of the lord shall be good, and where not, 59 a ¶, 61 b *, 62 a †
What act, &c. by the tenant shall be said a forfeiture of his copyhold estate, and what not, 59 a *, 63 a †
To what purpose the lord shall be said in by the surrender of his copyhold tenant, and to what not, 59 b †

Where the interest of the copyhold estate shall be bound by the surrender, and the admittance of the lord shall have relation unto it, 59 b *, 12 a †
Where the estate of *cestuy que use* shall ensue the limitation in the surrender, and not in the admittance of the lord, 59 b †, 61 b ¶
Where the lord shall be compelled to make admittance according to the surrender to him which was *dominus pro tempore* before, 59 b *
Where a custom to have fines of copyhold tenants upon the alteration of the lord or tenant, shall be good, and where not. 59 b ¶
Where fines incertain are unreasonably exacted, the copyholder shall not be compelled to pay them, 59 b ¶, 60 a †
How copyholders shall implead, and be impleaded, and the form of such plaint, 60 a *
Where a copyhold may be intailed, and such intail also docked by surrender, 60 b †
What remedy a copyholder hath against his lord for an ejectment without cause, 60 b * ¶, 61 a †, 62 b ¶, 63 a †
What remedy a copyhold tenant hath for an erroneous recovery in the court of his lord, 60 a *
The office and duty of the lord of a copyhold manor, 59 b *
Where admittances by the lord out of the court or manor shall be good, 61 b *
Where the wife of the copyholder shall be endowed, and where not, 33 b ¶
Tenants by the verge, why so called, and how they differ from tenants by copy, 61 a *
Copyholds may be entailed, 398 a ¶
How the intail thereof may be barred, 398 a ¶

Cornage.

What it is, 106
Tenant by cornage paid no escuage, 69

Corody. *See* Appendants.

Where a house or land may be appendant to a corody, 49 a *

Corporation. *See* Homage, Leases.

The description of a corporation, and why so called, 250 a *
The division of corporations, 2 a ¶, 250 a *
How many several ways a corporation may commence and be established, 250 a *
What corporation shall take a fee simple without the word (successors) and what not, 94 b *
Where a sole corporation shall take a fee simple without the word (successors) and where not, 9 b ¶, 94 b †
Where the privileges belonging to a corporation by prescription shall determine by the change of the same corporation, and where not, 102 b ¶
Where by the dissolution of a corporation their lands shall revert to the donor, and shall not escheat, 13 b *
Where, and what corporation may maintain a writ of right, and where and what not, 341 b *per tot. pag.*
Where a disclaimer, or other act by an abbot, bishop, &c. shall bind their successors, and where not, 103 a *
The power which ecclesiastical corporations had to dispose of their lands, &c. at the common law, and how they are now restrained by statutes, 44 a †, 300 b ¶, 301 a *, 325 b ¶, 342 a †
What leases at this day are good by a bishop, dean and chapter, &c. and what not, 44 a and b, 342 a †
Where, and what corporation may do and receive homage, and where and what not, 65 b ¶, 66 b ¶, 67 a †, 341 b †
Where a grant to a corporation aggregate, albeit the head of the corporation be wanting at the time, shall be good, and where not, 264 a †

Corruption of Blood. *See* Attainder, Heir.

In what manner and degree the blood said to be corrupted by attainder, 391 b †
By what means the blood corrupted by attainder may be restored, and by what not, 8 a *, 391 b * ¶, 392 a †
Where corruption of blood in the father shall disable the issue to inherit to his mother, 12 a ¶
Where corruption of blood in the father shall disable the son to inherit to his brother, and where not, 8 a *
Where corruption of blood in the eldest son shall hinder a discent to the youngest, 13 a ¶, 392 a *
Judgment to be hanged by martial law, no corruption of blood, 13 a ¶

Cosinage.

Where, and by whom a writ of cosinage lieth, 160 a ¶
Where it lieth for a rent-charge or seck, *ibid.*

Costs. *See* Damages.

Cotterelli and Cottagium.

The meaning of the words, 5 b *, 56 *

Covenant. *See* Payment, Warranty.

Where an assignee shall take advantage of a covenant, without being named in the deed, and where not, 384 b ¶, 385 a *
Where a man shall be bound by the covenants and conditions in an indenture, albeit he never sealed the deed, and where not, 230 b ¶, 231 a †
Where a covenant in deed shall destroy the covenant in law, and where not, 384 a ¶
A release of all actions and suits, no discharge of a covenant before it be broken; *secus* of a release of covenants, 292 b *
Where upon a covenant to pay money at several days, after the first default an action of covenant lieth; otherwise of debt upon an obligation, 292 b
How to plead performance of covenants, 303

Coverture. *See* Bastard, Baron and Feme, Banishment, Forfeiture, Infant.

The signification of the word, and whence so called, 112 a ¶
Where a feme covert may be a purchasor, and where the estate shall be said to be in her before the agreement of her husband, 3 a †, 356 b *
Where laches shall be adjudged in a feme covert, and where not, 246 b † *, 352 a †, 356 b ¶
Where a feme covert may sue and be sued without her husband, 132 b ¶, 133 a *per tot. pag.*
Where the breach of a condition in law shall be a forfeiture of the office or estate of a feme covert, and where not, 233 b ¶
To what purposes a procurement, precedent, or agreement subsequent shall make a feme covert a disseisoress, and to what not, 357 b *
No privilege of nonclaim to a feme covert at the common law, 262 b *

Covin and Fraud. *See* Forfeiture, Remitter, Stat. 13 *El. c.* 15. 27 *El. c.* 4. 14 *El. c.* 8. 21 *H.* 8. *c.* 15. Stat. *Merton, c.* 6. Wardship, Warranty.

The description and derivation of the word, 357 a ¶, b †
Where assignment of dower or other lawful act compassed by covin, shall be avoided, 35 a *, 357 b †
Where upon a condition of payment of money, a covinous payment in shew shall be no performance, 209 b *
Where, and how fraudulent conveyances, extortions, &c. shall be avoided at this day, and against what persons they shall be void, and against what not, 3 b ¶
Where a recovery by covin against a tenant for life shall be a forfeiture of his estate, 362 a † *, 356 a ¶
Where a collateral warranty after a disseisin by covin shall be no bar, 366 b ¶
Where a termor for years, guardian, tenant by statute-merchant, *eleg't, &c.* shall falsify a recovery by covin had against him in the reversion, and where not, 46 a † *

Count. *See* Pleadings, Writ.

The etymology and signification of the word, 17 a †
The office and nature of a count, 17 a †, 303 b ¶
Where the count varying from the words of the writ shall be good, and where not, 26 b ¶, 54 b †, 335 b †, 344 a †

Court. *See* Admiral, Marshal, Parliament.

The definition and derivation of the word, 58 a *
The divers kinds of inferior courts, and the several judges of them, *ibid.*

Court-Baron, whence so called, who the judge, and in what place such court ought to be holden, and in what not, 58 a * ¶, 260 a ¶
What courts are of record, and what not, 117 a ¶, 168 b *
The antiquity and jurisdiction of the courts of king's-bench and common-pleas, 71 b † *
The county court, tourn of the sheriff, and court-leet, 168 a ¶, b *
The ecclesiastical court and its jurisdiction, 96 a ¶, b † *, 344 a ¶
What the court shall judge of, 58 a *
Court of record is the king's, 117 b ¶, 260 a † *
—— of record, what they hold plea of, 260 a † *
—— of record, how erected, 260 a † *

Cui in Vitâ. See *Quod ei deforceat*, Resceit, Stat. *W.* 3. *c.* 3.

Where upon a recovery in an action of waste against the husband and wife by default, the wife shall have a *cui in vitâ*, 355 b *

Curtesy of *England*. *See* Attornment, Waste, Warranty.

The description of a tenant by the curtesy of England, and why so called, 29 a † *, 30 a *
Of what things the husband shall be tenant by the curtesy, and of what not, 29 a ¶, b †, 30 b † *
Of what estate of the wife the husband shall be tenant by the curtesy, and what not, 29 b *
Of what seisin of the wife the husband shall be tenant by the curtesy, and of what not, 29 a †, 40 a *
Where the husband shall be tenant by the curtesy of an estate in suspence, and where not, 29 b *
Where a seisin shall be sufficient to make a tenancy by the curtesy; that shall not make a *possessio fratris*, 15 b †
Where the husband shall be tenant by the curtesy of a seisin of his wife had by intrusion upon the king, 30 b †
What time of having issue sufficient to entitle the husband to be tenant by the curtesy, and what not, 29 b *, 30 a *
What manner of issue sufficient to entitle him, and what not, 29 b ¶
Where the husband shall be tenant by the curtesy without having issue, 30 a †
Where the husband shall be tenant by the curtesy of an estate of the wife determined, and where not, 30 a †
What things necessary to a tenancy by the curtesy, 30 a *
To what purposes the estate of the husband after issue is respected during the life of the wife, 30 a *, 77 a † *, 124 b †
Where the husband after the death of the wife cannot waive his estate by the curtesy, and claim by devise, 30 a *
Where the crying of the child is not necessary to entitle the husband by the curtesy, 30 a *
Where the husband shall be tenant by the curtesy, albeit the issue cannot by possibility inherit, and where not, 29 a *, 40 a †
In what cases a man by having issue shall be tenant by the curtesy where a woman shall not be endowed, 30 a ¶, b † *
When and why the husband shall be tenant by the curtesy of a castle, of which the wife is not dowable, 30 b †
Where a feoffment upon condition shall be extinct to a tenant by the curtesy, notwithstanding an entry for condition broken, 30 b *

Customs. *See* Devise, Gavelkind, Prescription, Relief, Surrender, Wardship.

The derivation and several acceptations in law of the word (*consuetudo*) 58 b ¶
What things necessary to the essence of a custom, 110 b †, 113 b ¶
The difference between a custom and a prescription, 113 b
In what places a custom may be alledged, and what customs may be alledged in upland towns, and what in boroughs, 33 b ¶, 110 b *
Why they may alter the common law, 113 a ¶
Customs against reason void, 59 b ¶, 69 a *, 140 a *, 141 a
Where a custom within a manor to have a fine of every tenant for marrying of his daughter without the lord's licence, shall be good, and where not, 139 b ¶, 140 a †
In what customs a prescription ought to be alledged, and in what not, 175 b *
Custom of Borough English, what, 110 b *, 240 b *
Custom that the youngest son shall inherit if he be not of the half blood, good, 140 b ¶
Custom that the eldest daughter or sister only shall inherit, good, *ibid.*

Usage, and not usage, a good argument in law for proof or disproof of any matter, 81 a *, b *

Damages. *See* Abettors, Averment, Dower, *Quare Impedit*, Stat. 8. *H.* 6. *c.* 9. of *Glocester*, *c.* 1. Waste.

The proper signification of the word, 257 a *
Where upon a joint action and recovery by parceners, damages shall enure to them in severalty, 198 a ¶
Where upon a recovery in waste by the aunt and niece, for waste done in the life of the other sister, the aunt only shall recover damages, *ibid.*
Where upon a recovery in waste by the tenant for life, and him in the reversion, he in the reversion only shall recover damages, 42 a *
Where in an action of trespass damages shall be recovered for the entry only, and where for all mean occupation, 257 a †
Where in a writ of entry upon the stat. of *R.* 2. damages only shall be recovered for the entry, and not for the mean profits, 257 a *
Where upon a feoffment by a disseisor to divers persons, the survivor not agreeing to the feoffment shall be excused of damages in a writ of entry, 269 b ¶
Where the plaintiff may release damages, and have judgment of the principal, 355 b ¶

Day. *See* Debt, Payment, Time.

The legal acceptation of the word, 134 b *
The common days between summons in real actions, and the return, *ibid.*
The days anciently allotted to felons in trial of life to make their defence, and the course of proceeding in the king's-bench upon indictment at this day, *ibid.*
What are said *dies speciales*, and what *dies gratiæ*, 134 b ¶, 135 a †
In what cases such days are granted, and in what not, *ibid.*
To what purpose the day of *nisi prius* and the day in bank are said all one, 135 a †
What are said *dies juridici*, and *dies non juridici*, 135 a *.
What *dies artificiales*, and *dies naturales*, 135 a ¶
At what time foreign nations begin to account the day, 135 a ¶
What shall be said a year, half a year, a quarter of a year, and what a month, in legal computation, 135 b †
Where the common law gave the disseisee a year and a day after his claim to enter, the day of his claim shall be taken inclusively, 255 a ¶
Where in a protection of prosecture for one year, the day of the *teste* shall be taken inclusively, 130 b *
An advice to students in spending the day, 64 b *

Dean and Chapter. *See* Bishop, Clergy, Corporation.

The etymology of the word dean, 95 a †
The manner how deans come in and are installed at this day, and how formerly, 95 a *
Chapter what, and the several sorts of chapters, *ibid.*

Debt. *See* Acceptance, Attornment, Contract, Execution, Infant.

Where an action of debt lieth for rent, and where not, 47 a †, b *, 57 †
What shall be said a good plea in debt for rent, 47 b ¶
Where an action of debt for relief, escuage, &c. and where not, 47 b *, 83 a ¶
What shall be a sufficient contract whereupon to ground an action of debt, and what not, 162 b
Where upon payment of money at several days an action of debt lieth not before the last day be past, 47 b *, 292 b ¶
Where it lies on a judgment, 251 b ¶
Where the executors shall have an action of debt for the arrearages of rent, which the testator himself could not, 146 b †
Where an action of debt lieth against an infant upon a contract, and where not, 172 a *
Where by a release of all debts an execution shall be discharged, 76 a †

Decies tantum.

Where it lies, 369 a †

Deeds. *See* Charters, Chattels, Defeasance, Dower, Estoppel, Exchange, *Habendum*, Inrollment, Livery, Obligation, Partition.

A deed, what, and what things incident thereunto, 45 b ¶, 171 b ¶
The divers kinds of deeds, 35 b ¶, 36 a † *
The several parts of a deed, and the nature and office of each part 6 a *, 229 a, b ¶
Where a deed shall be good, albeit the formal and orderly parts thereof be wanting, 7 a †
The difference between a deed and a charter, 9 a ¶
What shall be said a good delivery of a deed, and what not, 36 a †, 49 b *
Where a deed shall receive trial *per pais*, and where by the court, 35 b ¶
Divers rules concerning the construction of deeds, 36 a *
The antiquity of sealing deeds and charters, 7 a *
How the dates of deeds were anciently omitted, 6 a ¶
Where every deed ought to be in parchment or paper, 35 b ¶, 171 b ¶, 229 a *
Deed to lead the uses, when good, 398 a †
Whether it shall be delivered to the party that brought it into court, 401 b *
Where a letter of attorney may be contained within a deed of feoffment, and where not, 52 b
What inheritances shall pass without deed, and what not, 121 b †
Where, and why a deed being pleaded ought to be shewed in court, 35 b ¶, 121 b †, 225 a ¶, b †
What manner of deed is pleadable in court, and what not, 225 b *
Where a stranger to a deed may take benefit thereby, without shewing the same in court, and where not, 267 b ¶, 317 b ¶
Where, and by what persons a condition may be pleaded without shewing a deed in court, and where and by what persons not, 125 a ¶, b † ¶, 226 a † *, 393 a †
Where the deed of condition ought to be shewed, albeit the condition be executed, and where not, 226 a †, 227 b *, 228 b †
Where a deed remaining in one court may be pleaded in another court without shewing forth, 331 b *
Where a deed shewed in court shall be said to remain in the custody of the court, and where in the custody of the party, 231 b ¶
A deed-poll, what, and whence so called, 229 a ¶
Where one person may take advantage of a deed poll made to another, and how, 231 a ¶, b † *, 232 a b †
The description of an indenture, and by what names it was called anciently, and by what at this day, 229 a †, 143 b *
Where a deed beginning *Hæc indentura*, and without any actual indenting, shall be no indenture; *secus* if the parchment or paper be indented, though there be no such words, 143 b †, 229 a *
The several kinds of indentures, and the forms of them, 229 b, 230 a
Where upon a gift in tail by indenture, the part of the donee after his death without issue, shall belong to the donor, 229 a ¶
Where an indenture shall be said the deed of the feoffee, albeit no mention be made of putting his seal to the deed, and where not, 230 b † *
Where a man shall take and be bound by an indenture, albeit he never sealed the deed, and where not, 230 b ¶, 231 b † *

Default. *See* Disceit, Nonsuit, *Quod Ei Deforceat*, *Retraxit*, Recovery.

The legal acception of the word, 259 b *
The several causes allowed by the law for saving a default, 259 b ¶
Where sickness shall be no cause to save a default, *ibid.*
Where judgment final shall be given in a writ of right upon default of the tenant, 295 b †

Defeasance. *See* Deeds, Execution.

The derivation of the word, 236 b ¶
Where and what inheritances may be defeated by indentures of defeasance, and where and what not, 236 b ¶, 237 a †

Defence.

What, and the derivation of it, 127 b *
When to be used, 127 b *
Divided, *ibid.*
How to be made, *ibid.*

Deforcement. *See* Abatement.

The signification and derivation of the word, 331 b † *

Degrees. *See* Frankmarriage.

Gradus, unde dicitur, 24 a *
The several sorts of degrees in a writ of entry, 238 b ¶
What estate or change shall make a degree to have a writ of entry in the *per*, and what not, 239 a † *, 318 a †
Where albeit the degrees be once past, the writ may be brought within the degrees again, 239 a *
Where two estates shall make but one degree in a writ of entry, *ibid.*

Demand. *See* Release, Request.

The several kinds of demands, 291 b †
At what place and time a demand of a rent to enter for a condition broken, or to have an assise, ought to be made, and at what not, 144 a †, 153 a ¶, b †, 201 b ¶, 202 a † *
Where a distress is granted upon not payment and demand, yet the grantee may distrain after the day of payment, without any demand, 144 a †, 202 a *

Demurrer. *See* Statute 27. *El.* 4 & 5 *Annæ.*

Demurrer what, and whence derived, 71 b *
The form of a demurrer, 71 b ¶
The several kinds of demurrers, 72 a *
What things are admitted by a demurrer, and what not, 72 a †
Where there is a demurrer for part, and issue for other part, which shall be first tried, 72 a †, 125 b ¶
The course of the proceeding of the judges upon a demurrer, 72 a †
Where the party shall alledge special matter, and conclude with a demurrer, 72 a *
Where a demurrer may be upon aid prier, receipt, voucher, wager of law, &c. 72 a *
Where the party shall be compelled to join in demurrer, and where not, 72 a *
When it must be special, 398 a ¶

Dene, Denne.

The meaning of the words, 4 b ¶, 5 b ¶

Denizen. *See* Alien, Ligeance.

The etymology of the word, 129 a *
The several acceptions of the word, 129 a † *
The difference between naturalization, and denization by the king's letters patents, 8 a †, 129 a * ¶
Denizen may purchase lands, 2 b †, 8 a †
What issue of the denizen may inherit, 2 b †, 8 a †

Departure. *See* Action, Pleading, *Retraxit.*

Departure in pleading, 304 a †
Where the rejoinder containing matter subsequent to the bar shall be a departure, and where not, 304 a †
Where the defendant pleads performance of covenants, and the plaintiff replies that he did not such an act, &c. to say that he offered to do it, and the plaintiff refused, shall be a departure, 304 a *
Where the party intitleth himself by the common law, to make it good by a custom or act of parliament, shall be a departure, 304 a *
Where the party pleads an estate generally, in his second plea to maintain it by a matter tantamount in law shall be a departure, 304 a *
Where the plaintiff counts of a gift, and maintains in his replication by a recovery in value, this is no departure, *ibid.*
Where in an action transitory the varying of the plaintiff in his replication from the time and place alledged in the count shall be no departure, 282 a ¶, b †

Deraignment. *See* Warranty.

The signification and derivation of the word, 136 b *

Detinue.

Where and for what things a writ of detinue lieth, and where and for what not, 286 b *
Where the defendant shall wage his law in a detinue, and where not, *ibid.*

Where

[illegible] by fine, 257. b. 275. a. 327. b. & 333. a.

Where in a detinue of charters, summons and severance lieth, 286 b
Where a release of actions personal, shall be a good plea in detinue of charters, *ibid.*
Where a *capias* lieth in a detinue, and where not, *ibid.*
This action is now disused, and why, *ibid.*
In what cases 'tis better to bring an action of detinue, than an action of trover, *ibid.*

Devise. *See* Attornment, Condition, Entry, *Stat.* 32 *H.* 8. *c.* 1. 34 *H.* 8. *c.* 5. Testament, Uses.

The signification of the word (devise) 111 a †
Where devises ought to have construction according to the intent of the devisor, and where not, 25 a *, 322 b †
Where an inheritance shall pass by devise without the word (heirs) 9 b †, 322 a ¶, b *
Devise of lands, how to be, 399 a *
Revocation thereof, 399 a ¶
Why in devises a greater latitude is allowed than in any conveyances, 9 b *
When a subsequent devise shall not be a revocation of the former, 112 b †
A devise to a man and his heirs males, a good estate-tail, 27 a ¶
Where by a devise to a man and his heirs males the son of his daughter shall not inherit, 25 a *
Where an estate may pass by devise, that cannot by act be executed in the life of the devisor, 42 a *
Where the devisee shall take the thing devised without the assent of the executors, and where not, 111 a ¶
Where upon a devise of lands the freehold shall be said in the devisee before entry, 111 a ¶
What remedy the devisee hath upon the intrusion of a stranger, and a discent cast before his entry, *ibid.*
Devise of lands by custom before the statutes, where good, and where not, 111 a, b †
Where by a custom to devise lands, a devise of a rent out of the same lands shall be good, 111 a *
Where devises of lands, &c. since the statutes of 32 and 34 *H.* 8. shall be good, and where not, and where such devises shall be good for the whole, and where but for part, 111 b *per tot. pag.*
Where the custom to devise lands holden by knight-service, shall continue notwithstanding the making of those statutes, 111 b †, 115 a ¶
Where a devise by the husband to the wife shall be good, but not *è contra*, 112 a, b †
Where a devise of lands to be sold by executors shall be good, and where such sale by them shall be good, and where not, 112 b, 113 a, 236 a *per tot. pag.*
Where a feoffment being made to the use of a last will, or of such persons as shall be named in the last will, the estate shall be said to pass by the will, and where by the feoffment, 271 b ¶

Dilapidations.

May be sued for in the spiritual court, 53 b ¶
Whether an action on the case will lie for them at common law, *ibid.*

Disability. *See* Alien, Capacity, Excommunication, Outlawry, Profession.

The several disabilities in law in the person to bring any action, and who were anciently disabled, and who at this day, 128 a †, 135 b * ¶

Disceit. *See* *Quod Ei Deforceat.*

Where upon a recovery by default in an action of waste a writ of disceit lieth, 355 b †
Where upon a recovery by default had against a person in prison, a writ of disceit lieth not, 259 b *

Discent. *See* Appeal, Attainder, Chattels, Corruption of Blood, Entry, Heir, Inheritance.

The signification and derivation of the word, 237 a ¶, 13 b, 163 b
Where the heir shall be in by discent, of an estate that by possibility could not be his ancestor's, 378 b †

Disclaimer.

The etymology and signification of the word, 102 a *
The several kinds of disclaimers, 102 a *
Where and what persons may disclaim in the seigniory, and where and what not, 103 a, 101 b, 104 a
What is wrought by such disclaimer in the seigniory, 102 b *
Where upon the disclaimer of the tenant in real action, the demandant may enter before judgment, 362 a ¶, 363 a ¶

Discontinuance. *See* Condition, Corporation, Entry, *Stat.* 32 *H.* 8. *c.* 28. 1 *H.* 7. *c.* 20. 34 *H.* 8. *c.* 20.

The description of a discontinuance, 325 a *
The derivation and several acceptions of the word, 325 a * ¶
How many several ways a discontinuance may be wrought, and to the prejudice of how many several persons, 325 a ¶, b †
What inheritances may be discontinued, and what not, 327 b *, 331 b ¶, 332 a, b †, 325 b †
Where the divesting or displacing the estate of another by alienation shall work a discontinuance, and where not, 327 b *
Where the alienation of a corporation was a discontinuance to the successors at the common law, and where not, 325 b, 341 b ¶, 346 a and b, 347 a
Where and what act by the husband was a discontinuance of the lands, &c. of his wife at the common law, and what shall be a discontinuance at this day, and where, and what not, 326 a *per tot. pag.*
What act or conveyance by tenant in tail shall be a discontinuance of the estate tail, and what not, 326 b †, 327 a, b †, 328 a, 334 b *
Where the feoffment of the husband being jointly seised in special tail with his wife, shall be a discontinuance to the issue after the death of the wife, 3 6 b *
Where the alienation of one jointenant shall be no discontinuance to his companion surviving, 188 a †, 327 b ¶
Where a partition between parceners shall work no discontinuance, 173 a *
Where a warranty annexed to a release or confirmation shall work a discontinuance, and where not, 328 b, 329 a, 339 a *
Where the release of an abbot with warranty shall be no discontinuance to his successor, 329 a *
Where the grant of a rent in fee with warranty by tenant in tail shall be no discontinuance to his issue, but at his election, 332 b †
Where tenant in tail of a rent disseises the tertenant, a feoffment by him with warranty shall be no discontinuance of the rent, *ibid.*
Where a grant, release, or confirmation in fee to a lessee for years by tenant for life, or in tail, shall work no discontinuance, 329 b, 330 a, b †, 332 b ¶
Where the conveyance of an inheritance that lieth in livery, whereto no livery is requisite, shall work no discontinuance, 332 b †
Where a fine levied by tenant in tail of a reversion upon a lease for years shall be a discontinuance; *secus* of a reversion upon a lease for his own life, 323 b *
Where a lease by tenant in tail for the life of the lessee was a discontinuance at the common law during the particular estate, 333 a † *, 336 a *, 338 b †. *Vide* Stat. 32 *H.* 8. *cap.* 28. where such lease shall be good at this day, and where not.
Where the freehold may be discontinued, and not the reversion, 333 a ¶
Where a reversion in fee upon a lease for life, or gift in tail being executed in the life of tenant in tail, who made the estates, shall be a discontinuance to his issue, and where not, 333 a, 334 a, 335 b ¶
Where a gift in tail by tenant in tail, and a release to the donee in fee, shall be no discontinuance after the death of the donee without issue; *secus* of a lease for life and such release, 333 b *
Where tenant in tail makes a gift in tail, a feoffment in fee by the donee shall be no discontinuance after his death without issue, 327 b ¶
Where tenant in tail makes a feoffment of a manor with an advowson appendant, and dies, his issue may present before recontinuance; *secus* if the feoffee had presented in the life of the tenant in tail, 333 b *
Where a fine *sur* grant and render by tenant in tail, not executed in his life, shall be no discontinuance to his issue, 333 b *
Where a reversion with warranty not executed in the life of tenant in tail shall be no discontinuance, *ibid.*
Where tenant in tail disseises his lessee for life, and makes a feoffment, and the lessee dies, this shall be no discontinuance, 333 b ¶
Where a feoffment by tenant in tail to him in the reversion or remainder shall be a discontinuance, and where not, 325 a † ¶

Where a reverſion may be reveſted, and yet the diſcontinuance remain, 335 a ¶
Where the eſtate which wrought the diſcontinuance is defeated by entry for condition broken, &c. the diſcontinuance itſelf is avoided, 336 b † *
Where and by what means an eſtate tail may be diſcontinued by him that was never ſeiſed of the ſame eſtate, and where, and by what not, 338 b ¶, 339 a, b, 340 a, 347 a ¶, b †
Where the eſcheat of a reverſion in the life of tenant in tail not executed in his grantee, ſhall work no diſcontinuance to the iſſue, 340 b
Where the alienation of a parſon, prebend, &c. ſhall be no diſcontinuance to the ſucceſſor, 341 a †, b *

Diſparagement in Marriage. *See* Marriage, Wardſhip.

The etymology of the word (diſparagement) 80 a *
The ſeveral kinds of diſparagements in marriage, and what ſhall be ſaid a diſparagement, and what not, 80 a ¶, b †, 82 a †
The penalty incurred by the lord for ſuch diſparagement, 80 b * ¶
Where a diſparagement by one jointenant ſhall be a forfeiture of the wardſhip as to both, 80 b ¶
Upon diſparagement to the heir who ſhall enter and ouſt the guardian, and who not, 81 a †
Where the heir after diſparagement ſhall be in ward again, and where not, 80 b ¶

Diſſeiſee, Diſſeiſor.

What he may and what he may not do before re-entry, 256 a *
Diſſeiſor, who, 461 a †

Diſſeiſin. *See* Abatement, Aſſiſe, Coverture, Continual Claim, Jointenants, Judgment, Tenant at Sufferance.

The definition of a diſſeiſin, and the ſignification of the word, 153 b *, 181 a †
What ſhall be ſaid a diſſeiſin of a rent-ſeck to have an aſſiſe, and what not, 153 a, b *, 161 b * ¶
What ſhall be ſaid a diſſeiſin of a rent-ſervice, and what not, 160 b, 161 a, b ¶
What ſhall be ſaid a diſſeiſin of a rent-charge, 161 b † ¶
Where a man ſhall have ſeveral aſſiſes for one diſſeiſin of one and the ſame rent, 153 b ¶
Where an aſſiſe lieth againſt a coadjutor, or counſellor to a diſſeiſin, notwithſtanding the death of the tenant, 18 b ¶
Where the agreement of him in the reverſion to a diſſeiſin of the tenant for life to his uſe, ſhall make him a diſſeiſor in fee, 108 b ¶
Where a diſſeiſin of the tenant in a *præcipe* by the demandant to the uſe of others, ſhall not abate the writ, 108 b ¶
Where the entry of a man into lands of his own wrong ſhall be a diſſeiſin, notwithſtanding his claim to hold at the will of the tenant, 271 a †
Where a particular tenant holding over his eſtate ſhall be reputed a diſſeiſor, abator, &c. and where a tenant at ſufferance, 271 a † *
Where he in the remainder for life diſſeiſes the particular tenant, by the death of the tenant the diſſeiſin ſhall be purged, 276 a *
Where the confeſſion of a diſſeiſin ſhall be prejudicial to the tenant in a real action, and where not, 287 a *
Where the payment of rents or ſervices to a ſtranger by the tenant ſhall be a diſſeiſin to the lord, and where not but at his election, 323 a and b, 324 a and b
What acts by a diſſeiſor ſhall be good to bind the diſſeiſee, and what not, 35 a *, 357 b †, 58 b
Where tenant for years, guardian, tenant by *elegit*, &c. by their feoffment ſhall be diſſeiſors, 330 b *, 307 a *, b †

Diſtreſs. *See* Attornment, Reſcous, Stat. 2. *W. & M.* 32. *H. 8. c.* 37.

The derivation of the word, 96 a †
Of what things a diſtreſs may be taken, and of what not, 47 a ¶, b †
How the diſtreſs ought to be demeaned, 47 b †
What ſhall be ſaid a ſufficient pound to impound a diſtreſs, and what not, *ibid.*
Where a diſtreſs in the night ſhall be good, and where not, 142 a *
Diſtreſs inſeparably incident to every ſervice, 150 b ¶, 151 b †
For what ſervice incertain the lord may diſtrain, and for what not, 96 a †
Where a diſtreſs lieth for a rent ſeck, 153 a †
Where the lord may diſtrain the cattle of his tenant out of his fee, and where not, 161 a *
Where the owner may make reſcous of a diſtreſs taken for damage-feaſant out of the land in which, &c. *ibid.*
How to be kept, 397 a † ¶, 397 b *
When, and in what manner to be ſold, 397 a *
If taken where no rent due, how to be puniſhed, 397 a ¶
Why the utenſils of a trade may not be diſtrained, 397 a †
For damage-feaſant, where it muſt be taken, 161 a *

Divorce. *See* Baſtard, Dower, Marriage.

The derivation of the word, 235 a †
The ſeveral kinds of divorces, *ibid.*
A vinculo matrimonii, what, 32 a, 235
A menſâ et thoro, what, 32 a ¶
Its ſeveral kinds and nature, 396 b *

Donatives.

How they are made, 344 a †

Double Plea. *See* Plea.

Where and why ſuch plea not allowable in law by one tenant and defendant, 303 a ¶, 304 a *
Where in pleas dilatory, duplicity of matter may be uſed; ſecus in pleas peremptory and perpetual, 304 a *
By what means a man having divers diſtinct matters in excuſe or bar of an action, may take advantage of them all, 304 a ¶

Dower. *See* Admeaſurement, Attornment, Curteſy, Jointure, Waſte, Warranty.

The definition and derivation of dower, 30 b ¶
The divers kinds of dowers, 33 b *, 39 b ¶
The deſcription of dower at the common law, 30 b ¶, 33 a *, 33 b *
What things requiſite to the conſummation of dower, 31 a ¶, 32 a ¶
The wife of what perſon ſhall have dower of the lands of her huſband, and of what not, 30 b †, 31 a *
The privileges incident to dower, 31 a *
Of what inheritances the wife ſhall have dower, and of what not, and in what manner they ſhall be aſſigned unto her, 30 b † *, 32 a † *, 37 b ¶, 164 b *, 165 a †, 307 a *
Why the law made this proviſion for the wife, 31 a †
Why dower may be *ad oſtium eccleſiæ*, not *ad oſtium caſtri*, 34 a *
Of what caſtle or manſion-houſe the wife ſhall be endowed, and of what not, 30 b *, 36 b †, 31 b *, 165 a ¶
Of what ſeiſin of her huſband the wife ſhall be endowed, 31 a ¶, 226 b *, 258 b †
Where the wife ſhall not be endowed of the ſeiſin of her huſband had by intruſion upon the king's poſſeſſions, 30 b †
Dos de dote, where it ſhall be, and where not, 31 a ¶, b †, 40 b ¶
Where the wife ſhall be endowed of an eſtate of her huſband determined, 31 b *
Where the wife ſhall not be endowed upon a remitter or alteration of the eſtate to the heir, 31 b ¶
Where the wife ſhall not be endowed, albeit the iſſue by poſſibility may inherit, *et è converſo*, 31 b ¶, 40 b †
Where the wife being an alien or Jew ſhall be endowed, and where not, 31 b ¶
Where the wife ſhall have dower of a thing ſuſpended or extinct, and where not, 32 a *
Where the wife ſhall be endowed according to the improvement or decay of the value of her huſband's eſtate after his death, and where not, 32 a * ¶
Where the wife divorced ſhall have dower, and where not, and why, 32 a ¶, 33 b †
Where the wife ſhall loſe her dower by elopement, and where not, 32 a ¶
Where the wife ſhall be endowed in ſeveralty by metes and bounds, and where not, 32 b †
Where a charge ſhall be good againſt the wife made after her title to dower, and where not, 32 b †, 33 a *, 173 a ¶
Where the wife ſhall loſe her dower by the attainder of her huſband, and where not, 31 a *, 37 a †, 41 a * ¶, 392 b *
Where the wife ſhall recover damages in a writ of dower, and where not, 32 b ¶
What ſhall be ſaid a good plea in dower to bar the wife of damages, 33 a *

To-

To what purposes the dower of the wife shall be said a continuance of the estate and possession of her husband, and to what not, 241 a † *, 244 a ¶

Of what age the wife ought to be to have dower, 33 a * ¶, 37 a *

What shall be said a good marriage as to dower, and what not, 33 a * ¶, b †

Where the disability of the wife during coverture, being removed before the death of her husband, she shall be endowed from the first seisin of her husband, and where not, 33 a ¶

Where the wife shall have dower which cannot have an appeal of the death of her husband, *& è converso*, 33 b †

Upon what death of the husband the wife shall be endowed, and upon what not, 33 b *, 133 b †

Where by custom the wife shall be endowed of the whole, and where of the moiety, and where but of the fourth of the husband's estate, and in what place such custom is pleadable, 33 b ¶, 110 b ¶, 111 a †

The description of dower *ad ostium ecclesiæ*, 34 a †

Where such dower shall be good without deed, 34 a ¶

At what age the husband may endow his wife *ad ostium ecclesiæ*, 34 a *, 38 a *

Such endowment not good by tenant in tail, 38 a †

Where the wife shall enter into her dower after the death of her husband without assignment, and where not, 34 b † *, 37 a ¶

What things are requisite to assignment of dower, 34 b ¶, 35 a †

By what persons such assignment may be made, 34 b ¶, 35 a *

Where assignment of dower by a disseisor, &c. shall be good against the disseisee, and where not, 35 a *, 357 b †

Where one tenant of the land shall take advantage of an assignment of dower made by another tenant, and where not, 35 a †

Of what things assignment of dower may be made, 34 b ¶, 36 a *

Where an assignment of dower shall work a degree to have a writ of entry in the *per*, and where not, 239 a †

The description of dower *ex assensu patris*, and of what tenements such endowment may be made, 35 a ¶

By what person such endowment shall be good, and by what not, 35 b † *, 37 a *

At what age a man may endow his wife *ex assensu patris*, 35 b *, 38 a *

Dower *ex assensu matris, fratris, &c.* where good, and where not, 35 b †

Of what part of the land dower *ex assensu patris* and *ad ostium ecclesiæ* may be made, 34 b †, 36 a ¶

Where the wife may disagree to dower *ad ostium ecclesiæ*, or *ex assensu patris*, and where agreement to one dower shall bar her of another, and where not, 36 a ¶ †

What shall be said a sufficient act by the wife to determine her election to dower, and what not, 145 a ¶

The description of dower *de la pluis beale*, 38 a ¶

Where the wife shall retain for part, and recover against the guardian in chivalry for part, 39 a †

Where a writ of dower lieth against the guardian, and where against the heir, 38 b †

What shall be a good plea by the guardian in bar of dower, and what not, 39 a *

What shall be the surest provision for the wife for her dower, 34 b *, 36 b ¶, 37 a †

Where a protection may be cast in a writ of dower, and where not, 131 a †

Why the law gives it to the wife, 396 b *

Drenchs.

Who are so called, 5 b *

Dunum, Duna, Dun.

What they are, 4 b ¶

Dum fuit infra Ætatem. *See* Entry, Infant, Jointenant.

Where, and by whom such writ lieth, 247 b ¶

Where baron and feme infants join in a feoffment by indenture, the feme after the death of her husband may have a *dum fuit infra ætatem* ; *secus* where herself was of full age at the time of the feoffment, 337 a *

Where an infant tenant *pur auter vie* makes a feoffment, and *cestuy que vie* dies, *dum fuit infra ætatem* lieth not, 336 b ¶

Where upon a feoffment by two jointenants within age, a *dum fuit infra ætatem* lieth by them severally, 337 a

Where two jointenants, one within age, and the other of full age, make a feoffment, the infant surviving shall have a *dum fuit infra, &c.* but for a moiety, 337 b †

Dum non Compos Mentis. *See* Attornment, Entry, Idiot.

The several sorts of *non compos mentis*, 247 a †

By what means a feoffment or other estate made by a *non compos mentis* may be avoided during his life, and by what not, 247 a ¶, b †

Where a fine or recovery by a *non compos mentis* shall bar his heir, 247 a ¶

Where a *non compos mentis* may be a purchasor, 2 b ¶

By what person a writ of *non compos mentis* lieth, and by what not, 247 b ¶

Where the act or wrong of a *non compos mentis* shall be imputed to him, and where not, 247 b †

Eire.

The signification of the word, 293 a ¶

The authority and manner of proceeding of the justices in eire anciently, 293 b †

Election. *See* Annuity, Avowry, Dower, Warranty.

Where a man having several remedies for one thing, the election of one remedy shall conclude him as to the other, and where not, 146 a †

Where an election is given to several persons, the election of which of them shall stand, 245 a †

Where of two several things who shall have the election, 145 a *

Where such election ought to be in the life of the parties, and where not, 145 a †

Where a man by his act and wrong shall lose his election, 145 a *

Where the privilege of election shall descend, or is transferable over, and where not, 46 b †, 166 b † *, 186 b ¶

Where it shall be in the election of the tenant to vouch, &c. by reason of a warranty in deed, or in law, 384 b ¶

Where the lord may elect to have the wardship of the heir of his tenant, or take himself to his seigniory, 83 b ¶

Elegit. *See* Execution, Stat. *West.* 2. *cap.* 18.

Such writ, whence so called, and where it lieth, 289 b †

What things the sheriff may deliver in execution upon such writ, and what not, 289 b †

Elopement. *See* Dower.

What elopement is, 32 a ¶, b †

Emblements.

Where a lessee at will shall have the emblements after his estate determined, and where not, 55 a ¶, b ¶

Where a tenant for life, or his executors, shall have the emblements after his estate ended, and where not, 55 b † *

Where the lessee for years of a tenant for life shall have the corn after the death of his lessor, 55 b †

Where the husband sows the land of his wife, his executors shall have the corn, 55 b *

Where the husband jointenant with his wife sows the ground, the wife surviving shall have the corn, *ibid.*

Where lands descend to a daughter who sows the ground, the son born after shall not have the corn, *ibid.*

Where the estate of the tenant is defeated by a right paramount, forfeiture, condition, &c. the tenant shall not have the corn, *ibid.*

Where the disseisee by his regress shall have the emblements severed before the entry, *ibid.*

Where tenant by statute-merchant sows the land, and after is satisfied by a casual profit, he shall have the emblements, *ibid.*

The remedy which the tenant hath to come by the corn after his estate ended, 56 a †

Embracery.

The signification of the word, 369 a †

Entry, and Entry congeable. *See* Abeiance, Bastard, Condition, Continual Claim, Degrees, Discontinuance, *Dum fuit infra Ætatem*, Freehold, Jointenants, Statute of *Marlbridge*, Surrender.

The divers writs of entry, 239 a *

The several writs of entry *sur disseisin*, and where each writ lieth, 238 b * ¶

Where an entry generally into one acre shall be said an entry into others, and where an entry into part shall be

an

an entry into the whole, and where not, 25 a ¶, b †, 252 b ¶
Where the entry of one parcener shall be accounted in law the entry of both, and where not, 243 b *, 373 b ¶, 374 a *
Where the entry of a stranger to the use of him that hath right or title of entry shall vest the estate in him before agreement, and where not, 245 a ¶, 258 a †
What act upon the land by him that hath a right of entry shall amount to an entry, and what not, 49 b ¶, 245 b *, 368 a *
Where an entry into one acre in the name of other acres in the same county shall be sufficient for both, and where not, 252 b *per tot. pag.*
Why anciently a long possession, and why at this day a discent, shall take away the entry of him that right hath, 237 b *
The discent of what inheritances shall toll an entry, and of what not, 237 b ¶
The discent of what estate shall toll an entry, and of what not, 239 a ¶
Where the dying seised of a seisin in law shall toll an entry, 239 b †
Where the dying seised of a reversion or remainder shall toll an entry, and where not, 239 b *
Where the disseisor makes a lease for his own life, and dieth, this discent shall not toll the entry of a disseisee, 239 b *
Where a collateral discent shall toll an entry, as well as a lineal, 239 b ¶
Where a discent after a recovery and before execution, shall take away the entry of the recoveror, and where not, 238 a †
Where a discent cast, the disseisee being in prison, shall not toll his entry; *secus* of a person recluse, or where the disseisin was before imprisonment, 258 b *, 259 a *per tot. pag.*
Where a discent cast the disseisee being beyond sea shall not toll his entry, 260 a ¶, b †, 261 a, 262 b †
Where a discent cast in time of vacation of an abbathy or other sole corporation shall not toll the entry of the successor, 263 b, 264 a †
Where a title of entry shall not be tolled by a discent, 240 a * ¶, b † *
Where the entry of the disseisee shall be congeable upon the lord by escheat, and where not, 240 a †
Where upon the discent the heir is remitted to another estate than his ancestor died seised of, the entry of the disseisee is congeable, 238 b †
Where a disseisor made a gift in tail, and after divers discents the issue in tail dies without issue, the entry of the disseisee shall be congeable upon him in the reversion or remainder, 238 b †, 240 a *
Where the entry of the disseisee shall be congeable upon the disseisor notwithstanding divers mean discents, or a purchase of the freehold from his father, upon whom the land descended, 238 b *, 242 a †, 248 a ¶
Where an infant, lessee for life of a disseisor, is disseised, and a discent cast, the entry of the disseisee shall be congeable upon the infant after his re-entry, 238 b *, 248 a
Where the entry of a patentee of the king, or a devisee of lands, shall be congeable notwithstanding a discent cast upon an intrusion, 111 a ¶, 240 b *
Where the entry of the disseisee shall be congeable upon the wife of the disseisor after endowment, notwithstanding the discent, 240 b ¶, 241 a †
Where upon the abatement of the disseisee the wife of the disseisor recovers in dower, the entry of the disseisee after shall not be congeable; *secus* if he had assigned her dower *in pais*, 241 a *
Where the entry of the disseisee upon tenant for life, shall divest the reversion settled in the king, 241 a ¶
Where a discent mediate to the dying seised of the ancestor shall not oust the disseisee of his entry, 241 b † *
Where a discent cast upon the disseisin or abatement of the younger brother, shall toll the entry of the eldest, and where not, 242 a *, b ¶, 243 a †
Where a discent cast upon the abatement of one parcener, shall toll the entry of her sister as to her moiety, and where not, 243 a ¶, b † *
Where a man dies seised, his wife *enseint*, a discent cast upon the abatement of a stranger shall toll the entry of the issue born after, 245 b ¶
Where a discent shall take away the entry of an infant that right hath, and where not, 245 b ¶, 246 a *
Where a discent cast during the coverture shall toll the entry of the feme, and where not, 246 a * ¶, b †, 353 b ¶
Where the entry of the heir of a *non compos mentis* shall be congeable, notwithstanding a discent or alienation in the life of his ancestor, 247 a, b * ¶
In what cases the entry of the heir shall be congeable, where the entry of his ancestor was not, 247 a †, b *
Where the entry of an infant after his full age shall be congeable upon his alienee, 248 a *
Where an infant disseisor enters upon the heir of his alienee, the entry of the disseisee shall be congeable upon the infant, 248 a †
Where a discent by reason of profession in religion shall not toll the entry of the disseisee, 248 b
Where a discent shall not toll the entry of a lessee for years, tenant by *elegit*, &c. 249 a †
Where a discent in time of war shall not toll an entry, 249 a ¶, b †
Where a dying seised and a succession shall not toll an entry, 250 a †
Where the husband within age discontinues the land of his wife, the entry of the feme after his death shall be congeable upon the discontinuee, 336 b ¶, 337 a †
Where an infant tenant in general tail in the right of his wife discontinues in tail, and dies, the entry of his heir or feme shall be congeable upon the discontinuee, 337 a †
Where an infant tenant in tail makes a feoffment, and after is attainted, and dies, the entry of his issue is not congeable upon the feoffee, 337 a *
Where two infants jointenants make a feoffment, the entry of the survivor shall be congeable into the whole, 337 a ¶
Where the baron discontinues the land of his feme for life by the surrender of the tenant, the entry of the heir of the feme is congeable upon the baron in the life of tenant for life, 338 a †
Where baron and feme and a third person are jointenants, and the baron makes a feoffment, and dies, the entry of the third person surviving shall be congeable into the whole, and where but to a moiety, 327 b ¶
Where a disseisor makes a lease for life, and levies a fine of the reversion, and five years pass, the entry of the disseisee is not congeable upon the tenant for life, 268 a †
Where upon nontenure pleaded, or disclaimer in a *formedon*, the entry of the issue in tail shall be congeable upon the tenant before judgment, 362 a ¶
Where two jointenants, one within age, and the other of full age be disseised, and a discent cast, and he of full age dies, the entry of the other shall be congeable into the whole, 364 b ¶

Error. *See* Release.

Where, and upon what judgment such writ lieth, and where, and upon what not, 168 a †, 288 b †
Where a release in all actions shall be a good plea in a writ of error, and where not, 288 b ¶
Where after recovery in a real action, a release by the tenant of all his right in the land shall bar him of a writ of error, 289 a †
Where a recovery by default against a man out of the realm in the king's service shall not be avoided by error, 262 b *
This writ lies on judgments in courts of record only, 117 b ¶
On a recovery of a freehold, who may bring it, 251 b ¶

Escheat. *See* Acceptance, Attainder, Corruption of Blood, Entry, Heir, Rebutter, Relation, Warranty.

The etymology and signification of the word, 13 a * ¶, 92 b †
How many ways an escheat may happen, 13 a ¶, 92 b *
Where upon the dissolution of a corporation their lands shall revert to the donor, and shall not escheat, 13 b *
Where the disseisor makes a feoffment, or dies seised, upon the death of the disseisee without heir, an escheat lieth not, 268 b †
Where the father dieth, his son being attainted of treason, the lands of the father shall escheat, and not go to the king, 13 a ¶

Escheator.

His office and duty, 13 b †
Why so called, *ibid.* 92 b †
The number of them in ancient and modern times, *ibid.*

Escuage. *See* Debt.

The etymology of the word, 68 b * ¶
The several kinds of escuage, 72 b ¶
For what time such tenant is bound to attend upon the king in his wars, 68 b ¶, 69 b ¶
From what the time of attendance shall be computed, 70 a ¶, 71 a ¶
Where the tenant may perform his attendance by deputy, 70 a †, b †, 83 a †
Where attendance by tenant paravail shall excuse all the mesnes, 69 b ¶, 78 b ¶

Where attendance by one jointenant shall excuse his companions, 69 b ¶, 78 b ¶
What persons are exempted from personal performance of this service, 70 b ¶
Where escuage shall be assessed by parliament, and for what cause, and when it was last assessed, 72 a ¶, b †
Where the tenant dying in the army, his heir shall be excused of escuage, 72 b †
Where the tenant of the king by escuage, shall have escuage of his own inferior tenants, for their not attendance in the war, and where not, 72 b † *, 73 a ¶, b † ¶
When and what escuage shall be knight's service, and what socage, 72 b ¶, 87 a
Escuage generally, which shall be intended, 73 a †
What services incident to a tenure by escuage, 73 a *
The remedy which lords have to come by their escuage, 73 b †
How it shall be tried, whether the tenant was with the king in his war, or not, 74 a *
What shall be said a voyage royal, wherein such tenant is bound to attend, 69 b *, 130 b *
Escuage uncertain is knight's service, 73 a *
——— certain is socage, *ibid.*
——— is a service, not a tenure, 398 a ¶

Esplees.

In a writ of right of advowson shall be laid in the incumbent, 17 a †

Essoign. *See* Protection.

Estates. *See* Devise, Fee Simple, Freehold, Grant, Heir, Jointenants, Leases, Tail.

The signification of the word, 345 a *
Status unde dicitur, 9 a *
Where two several estates of the same land may be *simul et semel* in the same person, and how, and when they shall be said to be executed, 54 b ¶, 182 b, 184 a * ¶, b †, 338 b ¶
Where the estate of a man for his own life shall be esteemed higher than for the life of another man, and where not, 41 b ¶, 42 a †
Where several freeholds may be derived out of an estate for life, and where not, 42 a †
Where a man shall have an estate for life determinable at will, 42 a ¶
Where an incertain interest in lands shall be deemed in law an estate for life, and where but at will, 42 a *
Where tenant for life having a fee expectant upon a remainder in tail, grants *totum statum suum*, both estates shall pass, 345 a ¶
What can support another, and what not, 54 *passim*
When the greater shall drown the less, when not, 28 a †, 54 b ¶
Estate *pur auter vie* devisable, 396 b ¶

Estoppel. *See* Verdict.

The signification and derivation of the word, 352 a †
The several kinds of estoppels, and by what matter or act an estoppel may be wrought, and by what not, 352 a * ¶
Where estoppels ought to be reciprocal to bind both parties, 352 a ¶
Where every estoppel ought to be precisely affirmative and certain to every intent, 303 a †, 352 b †
Where matter neither traversable nor material shall be no estoppel, 352 b †
Where acceptance before title accrued shall work no estoppel, *ibid.*
Where an estoppel against an estoppel shall put the matter at large, 352 b †
Where the adverse party shall not be estopped to take advantage of a truth apparent in the record, 352 b *
Where the acceptance of an estate by the husband to him and his wife shall estop him to alledge a remitter to the wife, 352 a
What persons shall be bound and take advantage of estoppels, and what not, 352 a ¶, b †
Of what estoppels that go to the person a stranger shall take benefit, and of what not, 128 b †, 352 b *
Where an estoppel of the part of the mother shall not bind the heir claiming from his father, 365 b *
Where an estoppel to the son descending mediately upon his father, shall bind him, and where not, 12 a †
Where a deed indented shall be an estoppel, and where not, 45 a *, 47 b ¶, 363 b ¶
Where a man accepts a lease of his own land by indenture, how long the estoppel shall be said to continue, 47 b ¶
Where in a *super obiit* the defendant claims by purchase, the plaintiff may have a *mortdancestor* against her for the whole, 146 b †, 164
A conclusion, what, and whence derived, 37 * †, b ¶
To whom estoppels extend, 353 a †
Where a thing alledged by way of supposal in account is an estoppel, and where not, 352 a *
Who may take advantage of estoppels, 352 a ¶
Why allowed, 402 a ¶

Estovers.

The derivation of the word, 41 b ¶
What Estovers of common right belong to a tenant for life, years, &c. *ibid.*

Etymologies.

The use and benefit of etymologies, 68 b *, 86 a †, 87 a †, 106 b †, 109 a ¶, 137 a ¶, 177 a †, &c.

Evidence. *See* Pleading, Trial, Verdict.

The derivation of the word, 283 a ¶
The extent of the word, and what matters shall be said good evidence to an enquest, *ibid.*
Where a thing done beyond the seas may be given in evidence, 261 b *

Examples.

Illustrant, non restringunt legem, 24 a ¶

Exception.

How it differs from a reservation, 47 a † *

Exchange. *See* Partition.

The description of an exchange, 50 a ¶
Of what things an exchange may be made, and of what not, 50 b * ¶
What things requisite to the perfection of an exchange, 51 b †
Where an exchange shall be good without deed, and where not, 50 a ¶, b *
Where an exchange shall be good, albeit there be no transmutation of possession, 50 b ¶
What equality ought to be observed in exchanges, and what not, 51 a *per tot. pag.*
Where an exchange of lands with the king shall be good, 51 a
Where an exchange by an infant shall be good, and where voidable, 51 b *
Exchange implies a warranty, 174 a *, 384 b *
——— must be executed in the life of both the parties, 51 b *

Excommunication.

Excommunicatio, quid, & quotuplex, 133 b ¶
The condition of a person excommunicated, 133 b * ¶
What persons are disabled thereby to bring an action, and what not, 134 a †
Where an excommunication certified by a bishop, shall not disable the plaintiff in an action against the same bishop, *ibid.*
By whom excommunication ought to be certified, and what certificate shall be good, and what not, 134 a *
Where an excommunication by the pope, or other foreign authority, shall not disable the party, *ibid.*

Execution. *See* Debt, Payment, Stat. of *Acton Burnel*, *West.* 2. *c.* 45. 23 *H.* 8. *c.* 6. 32 *H.* 8. *c.* 5.

The legal acception of the word, 154 a ¶
Divers maxims in law concerning executions, 289 b †
Where the demandant may enter, or distrain after judgment, and before execution, and where not, 34 b *
Where upon a judgment in debt the plaintiff shall have execution of the lands which the defendant had at the time of the writ brought, and where not, 102 a ¶
Where by discent of part of the lands in execution to the conusee, the whole execution shall be avoided, 150 a †
Where tenant in tail recovers in value, and dies without issue before execution, execution shall be sued by him in the reversion, 252 a *

Where

Where after a perfect execution by extent returned, and of record, there ſhall be no re-extent upon any eviction, 290 a ¶
Where no execution by *elegit*, ſtatute-merchant, &c. ſhall be ſued againſt the heir, or his mother endowed by the heir during his minority, 290 a ¶
Where a *capias ad ſatisfaciendum* lay at the common law, and where at this day, 290 b †
Within what time writs of execution ought to be ſued forth, and where, being commenced within the time, they may be continued after, 290 b *
Where to a writ of execution no plea can be admitted, but for matter ſince the judgment, the party is to put his *audita querela*, 290 b *
Where a releaſe of all debts, duties, demands, executions, ſhall diſcharge an execution; *ſecus* of a releaſe of all actions, 76 a †, 289 a *, 291 a * ¶, b *
Where a releaſe of all ſuits ſhall bar an execution, and where not, 291 a *
Where an execution upon a recognizance may be defeated by a deed of defeaſance, 291 a ¶
Where a man may have execution upon a recognizance the firſt day, without ſtaying till all the days incurred, 292 b ¶
Execution may be awarded for the king without ſuit, by the court or office, 291 a ¶
For a common perſon ſhall not be awarded without the party prays it, 291 a ¶
Is diſcharged by a releaſe of a debt to the conuſee, 291 a ¶
Where none can be made till a *ſcire facias* is brought, 254 b ¶

Executors. *See* Account, Aſſets, Deviſe, Obligation, Teſtament.

Where a remainder for years limited to the executors of *I. S.* ſhall veſt preſently in *I. S.* 54 b ¶
Where the executor ſhall have remedy for the arrearages of rent which the teſtator in his life could not, 146 b †
Where executors ſhall be bound by the obligation of their teſtator without naming, 209 a ¶
In what reſpects the executor ſhall be ſaid more to repreſent the perſon of the teſtator, than the heir the perſon of the anceſtor, 209 a ¶, b ¶
Where an executor ſhall be reputed in law an aſſignee, and where not, 210 a *
Where an executor may releaſe an action before probate of the teſtament, 292 b †
Where a man ſhall have an action of debt againſt his own executors, 133 b *
Where the executors of a biſhop ſhall have a ward which fell in the life of a biſhop; *ſecus* of a preſentation to a church which voided in his life, 90 a * ¶, 388 a *
Where a church voided in the life of the teſtator, the executors ſhall preſent, and not the guardian in chivalry; *ſecus* where the tenant of the king *in capite* dies, &c. 388 a *
Where an infant makes his debtor his executor, the debt is extinct, 264 b ¶
Where a feme executrix takes the debtor to huſband, notwithſtanding the debt remains, *ibid.*
One may be an executor *de ſon tort* of a term, 401 a †

Expoſition of Words. *See* Advowſon, Confirmation, Grant, Words.

Where the word (*ut*) ſhall be taken poſitively, and where by way of ſimilitude, 17 b *, 43 b *
Where the word (or) ſhall be taken in the conjunctive, where in the disjunctive, 99 b †, 383 a ¶
Where the legal termination in (*agium*) in compoſition ſignifies ſervice or duty, 86 a †, 109 a *
The words (*prochein amy*) how taken in law, 88 a *
How many things the adjective (*liber*) diſtinguiſheth in law, 94 a ¶
The expoſition of the words (*dedi & conceſſi*) in grants, 301 b
Of the word (*dimiſi*) 301 b ¶
Of the word (*volo*) 301 b ¶
Of the word (*eadem*), and how it ſhall have relation, 20 b †, 385 b *
Of the word (*prædict'*), and the force of its relation, 20 b †
Of the word (hereditament) 6 a †, 16 a * ¶, 383 a ¶, b †
Of the words (*proxima advocatio*), 378 b ¶, 379 a †
Of the words (*ſans impeachment de waſt*), 220 a †
Of the words (demeſne land), 17 a ¶
Of the words (*à confectione*), 46 b ¶
Of the words (from henceforth), *ibid.*
Of the words (from the date, *or* from the day of the date), *ibid.*
Quoties in verbis nulla eſt ambiguitas, ibi nulla expoſitio contra verba expreſſa fieri debet, 147 a *
Quæ dubitationis tollendæ gratia inſeruntur, non lædunt, 205 a †
Expreſſio eorum quæ tacite inſunt, nihil operatur, 191 a *
A disjunctive in the latter end of a ſentence disjoineth the whole, 225 a †
When the words of a deed, or of the parties without deed, may have a double intendment, one agreeable to law, the other againſt law, the intendment that ſtandeth with law ſhall be always taken, 42 a ¶, b †

Extent. *See* Execution, Stat. *W.* 2. *c.* 18. Stat. *de Acton Burnel*, 23 *H.* 8. *c.* 6. 32 *H.* 8. *c.* 5. Stat. Merchant and Staple.

Extinguiſhment. *See* Apportionment, Common, Heriot, Meſnalty, Releaſe, Suſpenſion.

The ſignification and derivation of the word, 147 b *
Where by purchaſe of part of the land out of which, &c. the whole rent-charge ſhall be extinguiſhed, 147 b ¶
Where by diſcent of part of the tenancy to the lord, an entire rent-ſervice ſhall be extinct, and where not, 149 a †
Where by purchaſe of part of the tenancy by the lord, an entire rent-ſervice ſhall be extinct, and where not, 149 a * ¶, b †
Where by the grant of the lord, of the ſervices of his tenant by caſtleguard, the ſeigniory ſhall be extinct, 83 a *
Where and to what purpoſe an eſtate drowned or extinct ſhall be ſaid to have continuance, and where, and to what not, 185 a *, 338 b † *
Where a grant of the ſervices or rent to the tenant ſhall enure to him by way of extinguiſhment, 307 a ¶, b †, 313 b *
Where the remainder in fee of the tenancy eſcheats, the ſeigniory, as to the whole, ſhall be extinct, 312 b †
Where a biſhop is ſeiſed of a rent, and the tertenant infeoffs him and his ſucceſſors, by the entry of the lord for mortmain the rent is not revived; *ſecus* where tenant for life grants a rent in fee, and infeoffs the grantee, upon whom the leſſor enters for a forfeiture, 338 b *
Where the acceſſion of a freehold *in auter droit* ſhall extinguiſh a term which a man hath in his own right; *ſecus è converſo*, 338 b ¶
Where the releaſe of the lord of all his right to the tenant, and a leſſee for years of the ſeigniory, ſhall extinguiſh the ſeigniory and eſtate of the leſſee alſo; *ſecus* of a releaſe to them and their heirs, 180 a *
Where a leaſe for years may ceaſe and revive again as to ſeveral perſons, and where not, 46 a * ¶, b †
Where the re-entry of the leſſee upon the feoffee of his leſſor, ſhall revive the rent reſerved upon the leaſe, 319 a *
Where the grantee of a rent diſſeiſes the tertenant, the regreſs of the tenant ſhall not revive the rent, *ibid.*

Extortion. *See* Stat. *W.* 1. *c.* 26.

The derivation and ſeveral acceptions of the word, 368 b *
What ſhall be ſaid extortion in ſheriffs or other officers, and what not, 368 b † *
The odiouſneſs of the crime, 368 b *

Ey.

What it is, 5 b ¶

Falſifying of Recoveries. *See* Covin, Forfeiture, Recovery, Stat. of *Glouceſter*, *cap.* 11. 21 *H.* 8. *c.* 15. 14 *El.* *c.* 8.

The ſignification of the word (falſify), 104 b †
What perſons may falſify a recovery at the common law, and what not, 146 a † *, 104 b †
Where and by what matter the iſſue in tail may falſify a recovery had againſt his anceſtor, and where and by [illegible] not, 360 b ¶, 361 a † *

Fealty. *See* Acceptance, Allegiance, Seiſin.

The etymology of the word, 67 b *
The manner of doing fealty, 67 b * ¶
The difference between the fealty of a freeholder, and of a villein, 68 a †
What perſon and tenant ſhall do fealty, and what not, 67 b ¶, 63 a *, 93 b †
How fealty differeth from homage, 68 a *per tot. pag.*
The benefits which accrue to lords by accepting fealty, 68 a ¶, 92 b

Where

Where tenant by fealty shall swear to do all services due, when after fealty done no service is due, 92 a ¶
To what tenures fealty is incident, and to what not, 23 a ¶, 93 a, 95 b *, 96 b ¶, 150 b ¶
Fealty incident to attornment, 104 a †
Inseparably incident to every reversion, 143 a †

Fee Simple. *See* Devise, Heirs.

The signification and derivation of the word (fee), 1 b *, 2 a *
The several sorts of fee simples, 1 b *, 9 a ¶
What words requisite to the passing of a fee simple, 8 b ¶
How many several ways a fee simple may be purchased, 10 a *
The ampleness of such estate, 18 a *
Where two fee simples may be of the same land at one time, and where not, 18 a ¶, 354 b *, 368
Fee generally, what it shall be intended, 189 a *
A feoffment to one and the heirs of his father, a good fee simple, 220 b † *
Fee simple conditional, and the course of its discent at the common law, 19 a * ¶
By the having of what issue such condition said to be performed, and of what not, 19 a *
To what purposes the having of issue was a performance of the condition, and to what not, *ibid.*
Where the sons only, and where the daughters only were inheritable to such estate, 19 a ¶
Where the alienation of the donee after issue was a bar to his issue, or the donor, and where not, *ibid.*
A grant to a man and his heirs tenants of the manor of *D.* a good fee simple, 27 a ¶
A grant by the king of a barony to one, and his heirs lords of the manor of *K.* a good fee simple qualified in the dignity, *ibid.*

Fees. *See* Extortion, Office, Wager of Law.

Where notwithstanding the grantor oust his officer, his fee shall continue, and where not, 233 b †
Where in an action by an attorney for his fees, the defendant shall not wage his law, 295 a ¶
Where the receiving greater or other fees than are prescribed by the statutes, shall be extortion, and where not, 368 b *

Felony. *See* Attainder, Relation.

The signification and extent of the word, 391 a *
By pardon of all felonies, what crimes anciently, and what at this day are pardoned, 391 a *
What not, 391 a ¶
The several sorts and degrees of felony, and what forfeiture is incurred by each of them, *ibid.*
Where upon attainder of felony in an appeal, the defendant shall forfeit no lands but those he had at time of the outlawry pronounced; *secus* in an indictment, 390 b *
The punishment of a felon implied in his judgment to be hanged, 392 b †
Where a felon may be a purchasor, and to whose use, 2 b *

Feoffment. *See* Confirmation, Condition, Deeds, Livery of Seisin, Plea, Surrender.

The etymology and signification of the word, 9 a ¶
The antiquity of a feoffment. *ibid.* 49 b *
What person may make a feoffment, and what not, 42 b * ¶, 43 a †
By the delivery of the deed of feoffment, what estate passeth before livery of seisin, 56 b ¶
Where the feoffment of a moiety or third part of a man's land shall be good without deed, 190 b *
A feoffment of the moiety of a manor to have with an advowson appendant, not good without deed, 190 b ¶
Where a lease and release shall amount to a feoffment, 207 a ¶
Where a feoffment shall extinguish a condition or power of revocation, and where not, 237 a *
Where *cestuy que use* and his feoffees after 1. *R.* 3. and before 27. *H.* 8. join in a feoffment, whose feoffment it shall be construed, 302 b †
Where tenant for life, and he in the reversion or remainder in fee tail, or for life, join in a feoffment, how it shall be construed, 302 b
The law will transpose the words rather than it shall not take effect, 217 b †
Why it destroys all wrongful estates, 9 a *
By lessee for years, how it operates, 330 b *, 367 b *

Ferdwit.

What it is, 71 a †

Ferlingus. See *Ferlingum Terræ.*

What *Ferlingus* is, 5 b †
What passes by these words, *ibid.*

Fines to the King. *See* Alienation, Amerciament, Copyhold.

The several acceptions in law of the word (fine), 126 b *
Fine to the king, what, *ibid.* 127 a *
The difference between a fine and a ransom, and where they shall be said all one, 127 a

Fines of Land. *See* Continual Claim, *Dum non Compos*, Entry Congeable, Infant, Remitter, Stat. 4 *H.* 7. *c.* 24.

The description of a fine, and whence so called, 120 b ¶, 121 a †, 162 a ¶
What time was allowed by the common law to make claim after a fine levied, and what at this day, 262 a †, 254 b ¶, 326, 373
What persons were barred by a fine at the common law that could not make claim, and what persons might make claim, and yet were not barred by such fines, 262 b † *
Where a fine levied by tenant in tail shall be a bar to his issue, or them in the reversion or remainder, and where not, 372 a * ¶, b †
Where a grant and render by fine to a stranger to the writ and conusance, shall be good to pass a voidable estate to him *in præsenti*, 353 a ¶
Where a feme-covert shall be concluded by a fine, and where not, 46, 381, 382, 353 b † *
Where fines working wrong to third persons ought not to be accepted, 283 a † *
Fines for alienation taken away, 369 b ¶

Firma.

The etymology of the word, 5 a *
How called in several counties, *ibid.*
What shall pass by this name, *ibid.*

Folkland.

The meaning of the word, 58 a †

Forcible Entry. *See* Damages.

Force, what and how taken in law, 161 b ¶
Upon what statute the writ of forcible entry is grounded, and where it lieth, 257 b †
Where divers persons go to make a forcible entry, the violence used by one shall make them all guilty of force, *ibid.*
Where the master cometh with a greater number of servants than usually attend him, his entry shall be deemed forcible, 257 b †
What number of persons may commit a force, 257 a ¶
Where an act shall be said in law to be done *vi et armis*, or forcibly, 162 a †

Forest, Park, Chase, Warren. *See* Waste.

The description of a forest, 233 a ¶
The signification and derivation of the word (park), 233 a †
What beasts properly belong to the forest, what to the chase and park, and what beasts and fowls to the warren, 233 a *
The difference between a chase and a forest, *ibid.*
What act by a keeper of a park shall be a forfeiture of his office, 233 b *

Forfeiture. *See* Attainder, Conditions, Copyhold, Corruption of Blood, Office, *Premunire*, Relation, Statute 14 *El. c.* 8. Surrender.

See also forfeiture for felony 391

The signification and derivation of the word, 59 a *
How many several ways a particular tenant may forfeit his estate by alienation, and what act by him shall be said a forfeiture of his estate, and what not, 251 a ¶, b *per tot. pag.* 252 a †

Where

Where the right of a particular estate may be forfeited, and he that hath but a right shall take advantage of it, 251 b †, 252 a †

Where by the forfeiture of a lessee for life, all mean charges and estates by him made, shall be avoided by the lessor, and where not, 233 b ¶, 234 a †

Where lessee for life forfeits his estate by alienation, the forfeiture shall continue notwithstanding the determination of the estate by limitation, or entry for condition broken, 202 b *, 252 a *

Where tenant for life and he in the remainder for life having the fee expectant upon a remainder in tail join in a feoffment, this shall be a forfeiture of both their estates to him in the remainder in tail, 302 b ¶

Where a recovery suffered by tenant for life, should be a forfeiture of his estate at the common law, and at this day, and where not, 356 a ¶, 362 a † *

Where a statute giveth a forfeiture generally against him that wrongeth the duty or interest of another, who shall have this forfeiture, 159 a *

A guardianship in socage or by nature, not forfeitable by outlawry or attainder, 84 b *, 88 b ¶

Where a man hanged by martial law shall not forfeit his land, 13 a ¶

Forejudger. *See* Mesne, Stat. *West.* 2. *cap.* 9.

The legal acception of the word, 100 b *

Where and for what cause the tenant shall forejudge his mesne, and where, and for what not, 100 a ¶, b †

The form of the judgment in a forejudger, 100 a ¶

What persons shall be bound by a forejudger, and what not, 100 a ¶, b †

Where in a writ of mesne by two jointenants, one is summoned and severed, the other shall not forejudge the mesne, 100 a ¶

Where in a writ of mesne against two joint mesnes, one makes default, the tenant shall not forejudge the other, 100 a ¶

For forfeiture, see before.

Formedon. *See* Assets, Copyhold, Fines, Tail, Warranty.

Formedon, whence so called, 326 b *

The several kinds of formedons, and where, and by whom each formedon lieth, 326 b ¶

Where a formedon lieth of a copyhold, 60 a ¶

Where the discontinuee of tenant in tail makes a lease for life, and grants the reversion to the issue in tail, the issue is for ever barred of his formedon, 297 b *

Frankalmoign. *See* Confirmation.

The description of a tenure by frankalmoign, 93 b *, 94 b †

How such tenure was created at first, and how it may be created at this day, 93 b ¶, 99 a *

Where a gift in freealmoign shall be good without deed, and where not, 94 b *

Where the reservation of a rent upon such gift shall be void, 97 a †

What services such tenant is bound to do, and what not, 95 a ¶, b †

What remedy the lord hath for such services, 95 b ¶, 96 a

Where the tenure in freealmoign shall continue, notwithstanding the alteration of divine services, and prayers, 95 b *

Where such tenure cannot be of lands in ancient demesne, 97 a †

Where such tenant shall not be charged with a corody, *ibid.*

Upon transferring the seigniory or tenancy in frankalmoign, what service shall be due to the lord or grantee, 98 a, 99 b † *

Of what services the lord is bound to acquit his tenant in frankalmoign, and of what not, 99 b ¶, 100 a *

Where such lord shall not disclaim in a writ of mesne, 102 a *, 306 b †

Frankmarriage. *See* Consanguinity, Degrees.

The signification of the word, 21 b *

What things incident to an estate in frankmarriage, 21 b † *, 219 b *

The differences between a donee in frankmarriage and in special tail, 21 b ¶, 22 a †

What service due by such donee to his donor, 23 a ¶, 97 b

Where a rent may be given in frankmarriage, 21 b *

The necessity of the word (frankmarriage) to the creation of the estate, 21 b ¶

How the degrees in frankmarriage shall be computed, 23 b *eodem pag.*

Where a gift in frankmarriage to the parties already married shall be good, 176 a *

Where a remainder limited upon such gift shall impeach the estate in frankmarriage, and where not, 21 b *

A devise of lands in frankmarriage void, *ibid.*

A gift *in liberum maritagium* by *cestuy que use* before 27 *H.* 8. no frankmarriage, *ibid.*

Where a rent reserved upon a gift in frankmarriage shall not take effect till the fourth degree past, *ibid.*

Frassetum.

The meaning of it, 4 b *

Freebank.

The meaning of the word, 110 b ¶

Freehold. *See* Abeiance, Conditions, Estate, Jointenants.

The signification of the word, and whence so called, 43 b *

Where divers freeholds may be derived out of one, and where not, 42 a †

Where an incertain interest in lands shall be deemed in law a freehold, and where not, 42 a *

Where a man may have a freehold in his own right, and a chattel in another's right *simul & semel*: but not *è converso*, 54 b ¶, 338 b ¶

Where the alteration of the freehold shall be an alteration of the reversion, 191 b, 192 a and b

Where the right of freehold shall drown in a chattel, 266 a †

The description of a freehold in law, 266 b †

Upon what conveyances the purchaser shall be said to have a freehold in law in him before entry, and upon what not, 266 b †

Where a stranger by the acknowledgment of the tenant in a *præcipe* to be his villein shall be actually seised of the freehold and inheritance without entry, 266 b *

What actions are maintainable by and against him that hath only a freehold in law, and what not, 358 a ¶, b †

Where a freehold in lands may be defeated, by a condition without entry or claim, and where not, 379 a †

To what purposes tenants by statute-merchant, *elegit*, &c. are said to have a freehold, and what not, 43 b *

Frith.

The meaning of it, 5 b ¶

Frustrum Terræ.

What it is, 5 b †

Gavelkind. *See* Curtesy.

Gavelkind, whence so called, and where such custom used, 140 a ¶, 175 b * ¶

Where one brother dying without issue, all the brothers shall equally inherit by this custom, as well as sons, 140 a ¶

Where by such custom the wife shall have dower of the moiety of her husband's lands, 111 a †

Where by the same custom the husband shall be tenant by the curtesy without issue, *ibid.*

A prescription in this custom is not good, 175 b *

Glebe. *See* Pastor.

How it may be charged, 342 a †, 348 b *

Glyn.

What glyn is, 5 b ¶

Grand Serjeanty. *See* Serjeanty.

Grange.

The meaning of the word, 5 a ¶

What passes by this name, *ibid.*

Grants. *See* Abeiance, Annuity, Assignment, Confirmation, Deed, Estates, *Habendum*, Intention of the Parties, Name, Parson, Possibility, Rents.

The description of a grant, 172 a †
What things properly lie in grant, and what in livery, 9 b †, 48 a †, 85 a, 332 a *, 385 b *
What things are grantable over, and what not, 89 a †, 214 a ¶, 232 b †, 266 a †
Where a thing in suspense may be granted over, and where not, 314 a *
Where grants shall receive construction according to the substance of the deed, and not according to grammatical sense, 146 b *
Where the construction of grants ought to ensue the intention of the parties, 313 a ¶, b †
Where the words of a grant shall be transposed in construction contrary to their order, 217 b †
Where a grant being impossible to take effect according to the letter, the law shall make such construction, as by possibility may take effect, 183 b †
Where a grant shall amount to a release, confirmation, surrender, &c. and where not, 301 b *, 302 a †, 307 a ¶, 313 a ¶, b †.
Where by the grant of a manor without (*cum pertinentiis,*) a thing regardant and appendant will pass, 307 a †
What shall pass by the grant of the services of tenant in tail, and what not, 150 b †, 152 a *
Where a grant of a corody to two men and their heirs shall amount in law to several grants, 189 a *
Where two tenants in common join in the grant of a rent-charge, it shall enure as several grants, 197 a †, 267 b *
Where by the grant of a reversion, rents and services shall pass, 151 b ¶, 152 a †, 317 a *, 324 a ¶, b ¶
By the grant of (hereditaments) what shall pass, 6 a †, 16 a * ¶, 383 a ¶, b †
Where by the grant of land a reversion shall pass, 324 b ¶
Where tenant in tail grants *totum statum*, what shall pass, 331 a * ¶
A man grants *proximam advocat.* to one, and before the church void, grants *proximam advocat.* to another, the second grant is void, 378 b ¶
A man grants 3 *præsentationem*, and dies, his wife shall have the three, and the grantee the 4th, 379 a †
A grant shall not enure contrary to the express words of it, 313 a ¶
When it shall enure by way of extinguishment, 307 b †
Grant of the king, how tested, 7 *passim.*

Grava.

What *grava* is, 4 b ¶

Guardian. *See* Admeasurement, Dower, Marriage, Socage, Wardship, Waste.

The several sorts of guardian, 85 a †
Who shall be guardian of inheritances which lie not in tenure during the minority of the heir, 87 b * ¶
To what purposes the guardian shall be said possessed of his ward before entry or seisure, and to what not, 38 a ¶, b †
Guardian in chivalry, why he hath the custody of the infant heir's lands to his own use, 396 b ¶
How many kinds of guardians, 87 b * ¶
When the father, and not the lord, shall be guardian, 84 a *, 88 *passim.*
Guardian, how to be, and by whom deviseable, 398 b †, 399 a †
——— by will, power and duty, 398 b *
——— by tenure, what he might, and what he might not do, 75 b *per totam*, 79 *passim.*
——— in chivalry, what profit he had, 81 and 82 *passim.*
Who shall be guardian in socage, and why, 87 and 88 *passim.*
Guardian in socage, how long he shall be so, 87 and 89 *passim.*
——— in socage, when, and in what manner he shall account, 89 *passim.*
Guardianship of tenant by chivalry and tenant by socage, to whom they go on the guardian's death, 90 *passim.*

Gurges.

The meaning of it, 5 b †
What passes by this name, *ibid.*

Habendum. *See* Deeds.

The office and force of the *habendum* in a deed, 183 a ¶
Where it shall be said repugnant in the grant of an estate tail, and where not, 21 a †
Where one named after the *habendum* shall take by the gift, and where not, 7 a †, 21 a ¶, 26 b ¶, 378 b †
Where the several limitations in the *habendum* shall destroy the joint implication of the premisses, 183 b †, 190 b †
Where an *habendum* may inlarge the premisses, but cannot abridge them, 299 a †
It may sever a joint estate, 184 a *

Haga.

The meaning of it, 5 b *, 56 b †

Haugh and *Hough.*

What they mean, 5 b ¶

Heir. *See* Annuity, Appeal, Attainder, Chattels, Corruption of Blood, Discent, Entry, Reservation, Voucher, Warranty, Waste.

The etymology and legal acceptation of the word (heir) 7 b ¶, 237 b †
What issue and person may be an heir, and what not, 7 b ¶, 8 a † ¶
Hæres apparens, quis, 8 a ¶
Hæres astrarius, quis, 8 b †
Where and what chattels the heir shall have after the death of his ancestor, and what not, 8 a ¶, 18 b *, 185 b ¶
Where the word (heirs) shall be necessary to the creation of an estate of inheritance, and where not, 8 b ¶, 9 b, 10 a †, 20 a ¶, 21 b †, 22 a *, 47 a *, 193 b †, 322 b *, 385 b *
Where the word heirs shall be good of it self and where not without conjunction of the word (*fee*) 8 b *
The extent and latitude of the word (heirs) 9 a *
Heirs a good name of purchase, 26 b ¶
Who shall be said the next heir to take by purchase, and who to take by discent, 10 b *
Where the heir to take by purchase ought to be a compleat right heir in judgment of law, 24 b ¶, 26 b ¶, 164 a †
Where the ancestor may make his right heir a purchaser, and where not, 22 b ¶
Where a remainder is limited to the right heirs of a particular tenant, the fee simple shall be said to vest in him presently, and where not, 22 b *, 319 b † *, 376 b ¶
Where the heir conveying by discent ought to make himself heir to him which was last seised, 11 b *, 15 a †, 239 b †
Where by the birth of an heir more near, the discent to another shall be defeated, 11 b ¶
Where the heir of the part of the father shall inherit before the heir of the part of the mother, *& è converso*, 12 a and b, 13 a † *
The difference between an heir in the civil law, and an heir at the common law, 237 b †
Where the sons of an alien born within the ligeance of the king shall not be heirs either to other. The same of the sons of a person attainted; *secus* if born before the attainder, 8 a *
Where and what attainder shall disable the party attainted to inherit, or to have heir, and where, and what not, 8 a *
Where the heir shall not be bound by the obligation or warranty of his ancestor without naming, 209 a ¶, 383 b *, 384 b *, 386 a †
Where a man binds his heirs to warranty, or to pay a sum of money without naming himself, such lien shall be void, 386 a †
Where an action of debt shall lie against the special heir, without naming the heir at the common law; *secus* of a voucher by reason of a warranty, 376 b *, 386 b *
A gift to a man, his heirs and successors, how it shall enure, 9 a †
When the heir shall have an action for defacing his ancestor's monument, 18 b *

Heirloom.

What heirloom is, 18 b *
Cannot be devised, 183 b ¶

Herbage. *See* Jointenant.

What shall pass by the grant of the herbage of land, 4 b †, ¶
Where the owner's acceptance of a lease of the herbage of his land by indenture shall be no estoppel as to the land, 47 b *
Where a reservation of rent out of the herbage of land shall be good, 142 a *

Heresy.

Attainder of it doth not forfeit land or corrupt the blood, 391 a ¶

Heriot. *See* Extinguiſhment.

How called in the *Saxon* tongue, 185 b ¶
From what antiquity due to lords, *ibid.*
Where a deviſe by the tenant of all his goods ſhall not defeat the lord of his heriot, 185 b ¶
Where by purchaſe of part of the tenancy by the lord, a heriot ſhall be extinct, and where not, 149 b †
Where a heriot ſhall be paid before a mortuary, 185 b ¶

Hida Terræ.

What *hida terræ* is, 69 a *

Hirſt and Hurſt.

The meaning of them, 5 b ¶

Holm and *Hulmus.*

What they mean, 5 a *

Holt.

The ſignification of it, 4 b ¶

Homage. *See* Fealty.

The etymology of the word, 64 b *
The diviſion of homage, 65 b †
The manner of doing homage, 64 a ¶
In what reſpect it is ſaid to be the moſt honourable and humble ſervice, 65 a †
The league between ſuch lord and tenant, 65 a *, 100 b ¶
Where in doing homage, homage due to the king ought to be excepted, and the penalty for omitting it, 64 b †, 65 a ¶, b †
What perſon may do and take homage, and what not, 65 b *, 66 b ¶, 67 a and b, 68 a †, 341 b †
The form of homage by an abbot, or other eccleſiaſtical perſon, 65 b ¶
The form of homage by huſband and wife jointly, 66 a * ¶
Where and what corporation may do and take homage, and where, and what not, 65 b ¶, 66 b ¶, 67 a †, 341 b †
Where the huſband ſhall do and take homage alone, and where jointly with his wife, 30 a *, 67 a † *
Where there are divers tenants of the ſame land, where all, and where but one ſhall do homage, 67 a ¶, b †
Where and why the tenant ſhall not be ſworn in doing homage, 68 a †
Where homage done to one joint lord ſhall excuſe againſt the other, 67 b *
The benefit which accrues to lords by receiving homage, 68 a ¶, 92 b
Where the tenant notwithſtanding homage once done to the lord, ſhall be compelled to do homage again to his heir, and where not, 103 b * ¶
Where the tenant, upon tranſlation of the ſeigniory to another ſhall be compelled to do homage again, and where not, 104 a and b
Where after refuſal the lord ſhall not diſtrain his tenant for homage until requeſt, 105 a
By what means fealty ſhall be ſeparated from homage, and by what not, 150 b ¶, 151 a ¶
The writ of *homagio capiendo*, and where it lieth, 101

Homage Aunceſtrel. *See* Attornment, *Per quæ Servitia*, Recovery, Warranty.

The deſcription of tenure by homage aunceſtrel, 100 b
Blood on the lord's ſide not always requiſite to ſuch tenure, 100 b ¶, 102 b *
Where ſuch tenure draweth to it warranty and acquittal, 101 a † *, 384 a ¶
What ſhall be a good counterplea to a warranty by cauſe of homage aunceſtrel, 101 a *
What lands the tenant ſhall recover in value upon ſuch warranty, 102 a *
The reciprocalty of reverence and protection between ſuch lord and tenant, 100 b ¶
Where ſuch tenant ſhall be compelled to attorn to the grantee of his lord, and where not, 101 a *
Where the lord by homage aunceſtrel may diſclaim in the ſeigniory, and where not, 101 b, 102 a *
Where a man may hold by homage aunceſtrel of a body politick, but not *è converſo*, 102 b ¶
Where ſuch tenure ſhall remain notwithſtanding the alteration of the name and nature of the corporation, and where not, 102 b ¶
Where an abbot, biſhop, &c. ſhall not diſclaim in a ſeigniory by homage aunceſtrel, 102 b *, 103 a †
After alteration by the tenant by homage aunceſtrel, what ſervice ſhall be due to the lord, 102 a *
What act by the tenant ſhall be an interruption of the privity between him and his lord, and what not, 103 * ¶, 202 b †
Where ſuch tenure may belong to knight ſervice, 105 a ¶

Hope.

What it is, 5 b ¶

Horngeld.

The meaning of it, 187 a †

Hors de ſon Fee.

Where ſuch plea ſhall be good by the tenant upon a diſtreſs and avowry by a ſtranger who claims the ſeigniory, and where not, 1 b ¶

Hoſpital.

The divers kinds of hoſpitals, 342 a *
What hoſpitals were given to the crown by the ſtatute of 27. *H.* 8. 31. *H.* 8. 37. *H.* 8. and 1. *E.* 6. and what not, 342 a *

Hotchpot.

What it is, 176, 177, *paſſim.*

How and Hoo.

The ſignification of the words, 4 b †

Jampna.

The meaning of *jampna*, 5 a †

Ideot. *See* Condition, *Dum non Compos*, Entry, Heir, Mortgage.

Who properly ſaid to be an ideot, 247 a †
Where an ideot ſhall be bound by a diſcent, 247 a †
By what means a feoffment, &c. by an ideot, may be avoided during his life, and by what not, 247 ¶, b †
Where a ſtranger may tender money in performance of a condition to ſave the eſtate of an ideot without his conſent, 206 b ¶
Where an ideot ought to ſue in proper perſon, and not by guardian or attorney, 135 b ¶

Impriſonment. *See* Entry.

Impriſonment a good cauſe to reverſe an outlawry, 297 b †, 259
Where it ſhall ſave a default, 259 b *
Where and how a man in priſon may be proceeded againſt by ſuits and proceſs of law, 260 a *
How a man in priſon ought to be ordered and uſed, 260 a *
A precedent where after judgment in an appeal againſt a woman, her impriſonment was reſpited by reaſon of pregnancy, 289 a ¶
A precedent where after judgment in a treſpaſs *quare vi*, *&c.* againſt an infant, he was excuſed of impriſonment by reaſon of his age, *ibid.*

Incident. *See* Appendant.

Incumbent. *See* Parſon, *Quare Impedit.*

The etymology of the word, 119 b ¶

Indenture.

What it is, and that it may be in the firſt or third perſon, and forms of both; and that all the parts make but one deed. 229 and 230, *per tot. pag.*
When it is an eſtoppel, when not, 45 a ¶, 47 b ¶.

Indictment. *See* Appeal, Felony, Pleading.

The ſignification and derivation of the word, 126 b *
What certainty requiſite in an indictment, 303 a *
Where the indictment ſhall ſay (*feloniċè*), albeit the offence be no felony, 127 a *
The difference between an appeal and an indictment, 126 b *

Infant. *See* Accompt, Baſtardy, Coverture, Dower, Entry, Exchange, Execution, Stat. of *Merton*, *c.* 5. Warranty.

Where an infant may be a purchaſer, 2 b ¶
Where aſſignment of dower by the heir being an infant, ſhall be good, and where not, 35 a *
Where by cuſtom at ſixteen, he may make a leaſe, 45 b †
Where and for what things the deed or obligation of an infant ſhall bind him, and where and for what not, 171 b ¶, 172 a *
Where and within what time a fine levied by an infant may be avoided, and where it may be reverſed by his heir after his death, and where not, 131 a *, 380 b *
Where the breach of a condition in law ſhall be a forfeiture of the office or eſtate of an infant, and where not, 233 b ¶
Where laches in an infant ſhall be prejudicial to him, and where not, 246 a †, b † *, 380 b ¶
Where a feme covert ſhall be prejudiced by laches, where an infant ſhall not, 146 b *
Where and at what age the act or wrong of an infant in criminal matters ſhall be imputed to him, and where and at what not, 247 b †
Where a leaſe for years made by an infant ſhall be good, 308 a *
Where the releaſe of a debt by an infant ſhall be good, and where not, 264 b ¶
What things are avoidable by an infant after his full age, and what only during his nonage, 380 a *, b *
Where an action of waſte or *ceſſavit* lieth againſt an infant, 380 b ¶, 381 a †
Where an infant ſhall be compelled to attorn in a *quid juris clamat*, or *per quæ ſervitia*, 315 a ¶
An infant can contract only for neceſſaries, 35 b *
Where an uſurpation upon an infant ſhall put him out of poſſeſſion of the advowſon, 344 b †
By what acts an infant *in ventre ſa mere* ſhall be bound, and by what not, 100 b †, 244 a *, 245 b ¶
An infant not capable of the ſtewardſhip of a court, 3 b *
Not capable to perform grand ſerjeanty at the coronation, 107 b ¶
Not capable to be of an enqueſt, 157 a ¶, 172 b †
Where an infant ſhall not be amerced for a nonſuit or default, 127 a †
Where upon a judgment againſt him *quod capiatur*, he ſhall not be impriſoned, 289 a ¶
Where an infant ſhall not be charged in an accompt, 171 b ¶
Where an infant may do homage, but not fealty, 65 b *
Where an infant ought to ſue by *prochein amy*, and defend by guardian, 135 b ¶
Where a ſtranger, and where the ſpecial heir ſhall take advantage of the infancy of his anceſtor, 336 b ¶, 337 b † *
How they may ſuffer common recoveries, 402 a ¶

Infranchiſement. *See* Manumiſſion.

The derivation and ſeveral acceptions of the word, 37 b †

Inheritance. *See* Charge, Fee ſimple, Heirs.

The extent and ſignification of the word, and what ſhall paſs by the grant of inheritances, 6 a †, 16 a * ¶, 383 a ¶, b †
The ſeveral ſorts of inheritances, 1 b ¶, 9 a ¶, 49 a †, 164 b *
Where a man may have an inheritance moveable in lands, and how ſuch inheritance may be aliened and charged, 4 a *, 48 b †
Where an inheritance ſhall aſcend, and where not, 11 a *
New inheritances rejected in law, 13 a †, 27 a ¶, 337 b ¶, 379 b †
The ancient courſe of inheritances not alterable but by parliament, 27 a ¶
Where a man ſhall inherit, where he by whom he conveyeth cannot by poſſibility, *& è converſo*, 25 a * ¶
The blood only of the firſt purchaſer inheritable to lands, 12 a *

Inrollments. *See* Deeds.

Where inrollments ought always to be in parchment, 35 b ¶
Where an inrollment ſhall not be pleadable without ſhewing the original deed, 225 b *

Inſtant. *See* Remainder.

The definition of an inſtant, 185 b †
Where the law alloweth priority of time in an inſtant, 185 b † *
Where a fee ſhall be diveſted, and veſt in one perſon in an inſtant, 297 b ¶

Inſtitution. *See* Parſon, Plenarty.

The meaning of the word inſtitution, 344 a ¶

Intention of the Parties. *See* Grants.

Where the conſtruction of acts ſhall enſue the intention of the parties, and where not, 214 b †
Where the intention of the parties ſhall operate in the raiſing and direction of uſes, 49 a †
Where the entry of him that right hath into land, ſhall be guided by his intent, 49 b ¶
Where a man hath two ways to paſs lands, and he intendeth to paſs them by one of the ways, yet it ſhall paſs by the other, and where not, 49 a †

Intereſſe Termini.

What it is, 46 b †
How it may or may not paſs, 47 b †, 338 b *
To whom it ſhall go, 47 b *
Is not loſt by the leſſor's death, 51 b ¶
Cannot be confirmed, 296 a *
Cannot be enlarged by releaſe, 270 a *

Intereſt.

The extent and ſignification of the word, 345 b ¶
What paſſeth by the grant of *totum intereſſe*, ibid.

Intruſion.

What properly ſaid to be an intruſion, and how it differeth from abatement, diſſeiſin, &c. 277 a ¶, b †

Jointenants. *See* Account, Attornment, Charge, *Dum fuit infra Ætatem*, Election, Entry Congeable, Judgment. Preſentation, Releaſe, Remitter, Reſervation, Stat. *Weſt.* 2. *c.* 23. and 32 *H.* 8. *c.* 32. Surrender, Waſte, Warranty.

Jointenants, whence ſo called, and how they differ from parceners, 180 b †
What things may ſtand in jointure one with the other, and what not, 188 a *per tot. pag.* 192 b ¶
Where the parties ſhall be jointenants, notwithſtanding the ſeveral and indifferent limitations to each of them, 180 b †
Where there may be a jointenancy albeit no ſurvivorſhip, 181 a ¶, b †
Where chattels or debts in jointenancy ſhall ſurvive, and where not, 181 b ¶, 182 a † *
Where jointenants may be albeit the eſtates veſt in them at ſeveral times, and where not, 188 a ¶
Where two may have joint eſtates for their lives, and ſeveral inheritances, or the inheritance to one of them, 182 a ¶, b, 183 a *, 184 a † *, 189 b *
To what purpoſes ſuch inheritance ſhall be ſaid to be executed in the life of the parties, and to what not, 182 b *, 183 a *, 184 a * ¶, b †
Where and by what acts an eſtate in jointure may be ſevered, and where and by what not, 182 a *per tot. pag.* 183 a †, 190 a ¶
Where two may be jointenants of the freehold and fee ſimple, and tenants in common of an eſtate-tail in the ſame land, 183 b ¶
Where the jointenant ſurviving ſhall be liable to the charges of his companion, and where not, 184 b *per tot. pag.* 185 a † *
Where the charges of one jointenant, avoidable by his companion, ſhall be good againſt himſelf ſurviving, 184 b *
Where upon a recovery againſt one jointenant, execution ſhall be ſued againſt his companion, 185 a †
Where an eſtoppel to one jointenant ſhall not bind his companion ſurviving, *ibid.*

Where