

In terris vel tenementis quæ viri & mulieres conjunctim acquiſiverunt, &c. Bracton call- eth it perquiſitum; and by [a] Glanvil it is called quæſtus or perquiſitum.

Bracton, lib. 2. fol. 65.  
[a] Glanvil, lib. 7. cap. 1.

A Purchase is always in- tended by Title, and moſt pro- perly by ſome Kind of Convey- ante, either for Money or ſome other Conſideration, or freely of Gift: For that is in Law alſo a Purchase. But a De- ſcent, becauſe it cometh meerly by Act of Law, is not ſaid to be a Purchase; and according- ly the Makers of the Act of Parliament in 1 H. 5. cap. 5. ſpeak of them that have Lands or Tenements by Purchase or Deſcent of Inheritance. And ſo it is of an Eſcheat, or the like, becauſe the Inheritance is caſt upon, or a Title veſted in the Lord by Act in Law, and not by his own Deed or Agreement, as our Authoꝝ here ſaith. Like Law of the State of Tenant by the Courtſey, Tenant in Dower, or the like. But ſuch as attain to Lands by meer Injury or Wrong, as by Diſſeiſin, Intruſion, Abatement, Uſurpation, &c. cannot be ſaid to come in by Purchase, no more than Robbery, Burglary, Piracy, or the like, can juſt- ly be termed Purchase.

Pl. Com. Wimbiſhe's  
Caſe 47. b.

12 Co. 105. 3 Inſt. 202.  
Cro. Jac. 366.  
[b] 9 E. 4. 24.  
Mich. 10 Ja. Obiter in  
Com. Banco in Pym's  
Caſe.  
[c] B. Caſſianæus, fol. 13.  
Conc. 29.  
30 E. 3. 2 and 3.  
39 E. 3. 6, 9, 10.  
tit. Deſcent. Br. 43.

[d] Vide 28 H. 8. 24.  
Int. adjudicari cor. Rege.  
Tr. 41 E. 3. lib. 2. fo. 104.  
in Theſaur.  
Sect. 241, 242, &c.

If a Nobleman, Knight, Eſquire, &c. be buried in a Church, and have his Coat- Armour and Pennons with his Arms, and ſuch other Enſigns of Honour as belong to his Degree or Order ſet up in the Church, or if a Grave-ſtone or Tomb be laid or made, &c. for a Monument of him; [b] in this Caſe, albeit the Freehold of the Church be in the Parſon, and that theſe be annexed to the Freehold, yet cannot the Parſon, or any take them or deſace them, but he is ſubject to an Action to the Heir, and his Heirs, in the Honour and Memory of whoſe Anceſtoꝝ they were ſet up. And ſo it was holden, Mich. 10 El. and here- with agree the Laws [c] in other Countries. Note this Kind of Inheritance: And ſome hold that the Wiſe or Executors that firſt ſet them up, may have an Action in that Caſe againſt thoſe that deſace them in their Time. And Note, that in ſome Places Chattels, as Heir- looms, (as the beſt Bed, Table, Pot, Pan, Cart, and other dead Chattels moveable) may go to the Heir; and the Heir in that Caſe may have an Action for them at the Common Law, and ſhall not ſue for them in the Eccleſiaſtical Court; but the Heir-loom is due by Cuſtom, and not by the Common Law. And the [d] ancient Jewels of the Crown are Heir-looms, and ſhall deſcend to the next Succeſſor, and are not deviſable by Teſtament.

An Heir-loom is called principalium or hereditarium. Conſuetudo hundredi de Streſford in Com. Oxon. eſt quod hæredes tenementorum infra hun- dredum prædictum exiſten. poſt mortem antecellorum ſuorum habebunt, &c. principalium, Anglice an Heir-loom, viz. De quodam genere catallorum, utenſilium, &c. optimum plau- ſtrum, optimam carucam, optimum ciphum, &c.

Our Authoꝝ hath not ſpoken of Parceners in this Chapter, for that he hath particular Chapters of the ſame.

Gradus Parentele, &c.

2 Inſt. 337.  
Mirror, cap. 2. ſect. 15.  
and cap. 1. ſect. 5.  
Poſt 22. a.

**T**ENANT en Fee- taile. Tallium, or Feodum tallia- tum, is derived of the French word tailler, ſcindere, for ſo Littleton himſelf in this Chap- ter, Sect. 81. ſaith.

**L**e Statute de W. 2. This Statute was made in 31 E. 1. and is called Weſt. 2. becauſe the Parlia- ment was holden at Weſt-

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**T**ENANT in Fee- taile eſt per force de le Statute de Weſt. 2. c. 1. Car devant le dit Stat tous Enheritances fu- eront Fee-ſimple; car tous les donez q ſont ſpecifics deins meſme le Stat. fueront Fee

**T**ENANT in Fee- tail is by Force of the Statute of W. 2. cap. 1. for be- fore the ſaid Statute, all Inheritances were Fee-ſimple; for all the Gifts which be ſpe- cified in that Statute were Fee-ſimple condi- ſimple