

per possibilitie poist en-
heriter les tenements
per force del done, pur
ceo que chescun tiel
issue est de son corps en-
gendre.

Possibility may inhe-
rit the Tenements by
Force of the Gift; be-
cause that every such
Issue is of his Body in-
gendred.

En le maner
est lou terres ou
tenements sont dones
a un feme, & a les
heirs de sa corps is-
suants, coment que el
avoit divers barons,
uncoze l'issue que el
poet aver per chescun
baron, poet enheriter
come issue en le taile
per force de tiel done,
& pur ceo tiel done
sont appellees general
tailes.

In the same Manner
it is where Lands or
Tenements are given
to a Woman, and to
the Heirs of her Body,
albeit that she hath
divers Husbands, yet
the Issue, which she
may have by every
Husband, may inherit
as Issue in Tail by
Force of this Gift.
And therefore such
Gifts are called gene-
ral Tails.

those Inheritances, or con-
cerning or annexed to, or
exercisable within the same,
though they lie not in Tenure;
therefore all these without
Question may be intailed. As

[a] Rents, Stovers, Com-
mons or other Profits what-
soever granted out of Land;
or Uses, Offices, Dignities,
which concern Lands or cer-
tain Places, may be entailed
within the said Statute, be-
cause all these labour of the
Realty. But if the Grant
be of an Inheritance merely
personal, or to be exercised
about Chattels, and is not is-
suing out of Land, nor con-
cerning any Land, or some
certain Place, such Inheri-
tances cannot be intailed, be-
cause they labour nothing of
the Realty. But Examples
will illustrate and make this
Learning clear.

The Writ of *Assize* [b] was
de libero tenemento, and made
his Pleint of the Office of
the fourth Part of the Ser-
jeant of the Common Place,
Freehold, *Liberum tenementum*

[a] 7 E. 3. 363. 18 E. 3. 27.
1 H. 7. 28. 4 H. 7. 9.
Pl. Com. in Manxel's
Case, fol. 2 & 3.
7 Co. 33. 11 Co. 1.

10 Co. 87.

[b] 7 Aff. p. 12. 7 E. 6. 1.
R. N. B. 173.

and the Writ adjudged good; and seeing that a Man hath a

The Office of the Keeping of the Church of our Lady of Lincoln was intailed, and
a Formedon there brought upon that Gift of the Office by the Issue in Tail. The Of-
fice of the Marshal of England intailed. The [c] Office of one of the Chamberlains of
the Exchequer intailed. 1 H. 7. 28. The Office of a Fellowship intailed. 4 H. 7. 10.
9 E. 4. 56. b. Charters intailed. 19 H. 8. 3. Use intailed. Nomination to a Benefice in-
tailed.

Also a Name of Dignity may be intailed within the Statute, [d] as Dukes, Marqueses,
Earls, Viscounts and Barons, because they be named of some County, Manor, Town or
Place. If the Issue in Tail [e] in a Formedon in the Descender be barred by a false Ver-
dict, his Release is no Bar to his Issue, albeit the Action is at the Common Law.

The like Law is of a Writ of Error. 3 Eliz. Dyer 188. If a Gift in Tail be made with
Warranty, the Donor releases the Warranty, this shall not bind the Issue in Tail; for to
all these Cases and the like, the said Statute doth extend. But if I grant to a Man and to
the Heirs of his Body, to be Keeper of my Hounds, or Master of my Horse, or to be my
Faulconer, or such like, with a Fee therefore, yet these cannot be intailed within the said
Statute; for that they be not issuing out of Tenements, nor annexed to, or exercisable within,
or concerning Lands or Tenements of Freehold or Inheritance, but concerning Chattels, and
labour nothing of the Realty. And so it is if I by my Deed, for me and my Heirs, grant
an Annuity to a Man, and the Heirs of his Body; for that this only chargeth my Person and
concerneth no Land, nor laboureth of the Realty.

In all these Cases he hath a Fee conditional, as they were before the Statute, and the
Grantee by his Grant or Release may bar his Heir, as he might have done at the Common
Law, for that in these Cases he is not restrained by the said Statute.

Et a ses heires de son corps engendres. In Gifts in Tail this Word
[Heirs] is as necessary, as in Feoffments and Grants, for seeing every Estate-tail was a
Fee-simple at the Common Law, and at the Common Law no Fee-simple could be in Feoff-
ments and Grants without this Word [Heirs] and that an Estate in Fee-tail is but a cut or
restrained Fee; it followeth, that in Gifts in a Man's Life-time, no Estate can be created
without this Word [Heirs] unless it be in Case of Frank-marriage, as hereafter shall be
shewed. And where Littleton saith [Heirs] yet [Heir] in the singular Number in a special
Case

18 E. 3. 27.
1 W. Jo. 135.
[c] 1 H. 7. 28. 4 H. 7. 10.
9 E. 4. 326. 19 H. 8. 3.
1 H. 5. 1. 12 Co. 81.

[d] Lib. 7. fol. 33, 34.
Nevil's Case.
28 H. 6. Lord Vesey's
Case.
6 Co. 7. b. Post 392. b.
Sid. 261.

[e] 14 Aff. 2.
3 Eliz. Dyer 188.
Pl. Com. in Manxel's
Case.
10 Co. 58. 1 Roll. 837.