

Ante 17. b. 39 Aff. 20.
20 H. 3. 5. 5 H. 4. 7. b.
14 H. 4. 25. Post 385. b.
8 Co. 57. a. 1 Co. 103.
Ante 9. b. 11 Co. 51. a.
± Ow. 64. S. C.
Mo. 103. 2 Leon. 216.

Case may create an Estate-tail, as appeareth by 39 Aff. p. 20. hereafter mentioned. And yet if a Man give Lands to A. & hæredibus de corpore suo, the Remainder to B. in forma prædicta, this is a good Estate-tail to B. for that in forma prædicta do include the other. If a Man letteth Lands to A. for Life, the Remainder to B. in Tail, the Remainder to C. in forma prædicta, this Remainder is void for the Incertainty. But if the Remainder had been, the Remainder to C. in eadem forma, this had been a good Estate-tail; for Idem semper proximo antecedenti refertur. If a Man give Lands or Tenements to a Man & semini suo, or exitibus vel prolibus de corpore suo, to a Man and to his Seed, or to the Issues and Children of his Body, he hath but an Estate for Life; for albeit that the Statute provideth, that Voluntas donatoris secundum formam in charta doni sui manifeste expressam de cætero observetur, yet that Will and Intent must agree with the Rules of Law. And of this Opinion was our Author himself, as it appeared in his learned Reading aforementioned upon this Statute: Where he holdeth, If a Man gives Land to a Man Et exitibus de corpore suo legitime procreatis, or semini suo, he hath but an Estate for Life, for that there wanteth Words of Inheritance.

De son corps. These Words are not so strictly required, but that they may be expressed by Words that amount to as much: For the Example, that the Statute of W. 2. putteth, hath not these Words (de corpore) but these Words [hæredibus] viz. Cum aliquis dat terram suam alicui viro & ejus uxori & hæredibus de ipsis viro & muliere procreatis. If Lands be given to B. & hæredibus quos idem B. de prima uxore sua legitime procrearet: This is a good Estate in especial Tail (albeit he hath no Wife at that Time) without these Words (de corpore). So it is [a] if Lands be given to a Man and to his Heirs, which he shall beget of his Wife: [b] Or to a Man & hæredibus de carne sua, or to a Man & hæredibus de se. In all these Cases these be good Estates in Tail; and yet these Words de corpore are omitted.

7 Co. 41.

[a] 12 H. 4. 3.

[b] 37 H. 6. 15.

[c] 5 H. 5. 6.

[d] 12 H. 4. per Horton.
Post 27. b. 220. a.

It is holden [d] by some Opinions, That if there be Grandfather, Father and Son, and Lands are given to the Grandfather, and to his Heirs begotten by the Father, the Father dieth, the Grandfather dieth, the Son is in as Heir to the Grandfather begotten upon the Body of his Father, and the Wife of the Grandfather in that Case shall be endowed. But certain it is, that in some Cases one shall have the Land per formam doni that is not Issue of the Body of the Donee, which see Sect. 30.

Engendres. This Word may in many Cases be omitted, or expressed by the like, and yet the Estate in Tail is good; As, Hæredibus de carne, Hæredibus de se, hæred' quos sibi contigerit, &c. as is aforesaid; and where the Word of Littleton is, ingendred, or begotten, procreatis, yet if the Word be procreandis, or quos procreaverit, the Estate in Tail is good; and as procreatis shall extend to the Issues begotten afterwards, so procreandis shall extend to the Issues begotten before.

18 E. 2. tit. Bre. 838.
24 E. 3. 28.
± Ow. 152.

Sect. 16.

[e] Pl. Com. 35.

A Un home & sa feme. [e] Then put the Case that Lands be given to a Man and a Woman unmarried, and the Heirs of their two Bodies; for the apparent Possibility to marry, they have an Estate-tail in them presently. [f] So it is where Lands be given to the Husband of A. and to the Wife of B. and to the Heirs of their Bodies, they have presently an Estate in Tail, in respect of the Possibility. If a Feme sole do enfeof a married Man causa matrimonii prælocuti, it is good for the Possibility. But put the Case that the Premises and the Habendum be in other Manner than Littleton hath put, and let us see

[f] Lib. 1. f. 120. Chudley's Case. 40 Aff. pl. 13.
34 Aff. pl. 1. Fleta, lib. 5. cap. 34.

Post 25. b.
F. N. B. 205. b.
Post 204. a.

Tenant en Taille
Special è lou tîs
ou Tenements sont
dones a un home & a
sa feme, & a les heires
de leur deux corps en-
gendres, en tiel case
nul poet inheriter per
force de le dit done,
forsq' ceux que sont in-
gendres perentre eux
deur. Et est appelle
special Taille, pur ceo
que si la feme deby, &
il prent aué feme, &
ad issue, l'issue del se-

Tenant in Tail spe-
cial is, where
Lands or Tenements
are given to a Man and
to his Wife, and to the
Heirs of their two Bo-
dies begotten; in this
Case none shall inherit
by Force of this Gift,
but those that be en-
gendred between them
two. And it is called
especial Tail, because
if the Wife die, and
he taketh another Wife,
and have Issue, the Is-

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