

Original is, Hors del seite del Mannor, and so would it be amended in the Impressions of the Book hereafter.

¶ *Et ascuns frank homes teignont, &c.* This is apparent enough, especially upon that which hath been said.

¶ *On un villeine purchase terre en Fee simple.* Yet the Villein may purchase some kind of Inheritances in Fee-simple, which the Lord of the Villein cannot have. As if a Villein purchase a Common launs nomber, the Lord shall not have it, for the Lord may surcharge the same, which should be a Prejudice to the Tenant: And the same Law of a Copy in certain granted to a Villein, and such like Inheritances. And therefore Littleton materially said, Purchase terre: When the Villein hath an Estate of any Thing certain, the Lord shall have it, as a Rent granted to the Villein, Common certain, Estovers certain, and such like. [a] But that which lieth in Action, as a Warranty made to the Villein, his Heirs and Assigns, the Lord shall not take Advantage of by Voucher, because it is in Lieu of an Action: Neither shall the Lord take Advantage of any Obligation or Covenant, or other Thing in Action made to the Villein, because they lie in Privacy, and cannot be transferred to others.

F. N. B. 77. a.
22 Aff. p. 37.
[a] Doct. & Stud. cap. 43.
3 Co. 62, 63.
Post 120. a.

[b] If a Man be Lessee of a Villein for Life, for Years, or at Will, and the Villein purchaseth Lands in Fee; if the Lessee entreat into the Lands, he shall hold the Lands as a Perquisite to him and his Heirs for ever. But if a Bishop have a Villein in the Right of his Bishoprick, and he purchaseth Lands, and the Bishop entreat, the Bishop shall have this Perquisite to him and his Successors, and not to him and his Heirs; for the Law respecteth the Quality, and not the Quantity of his Estate. So if Executors have a Villein for Years, and the Villein purchaseth Lands in Fee, and the Executors enter, they shall have a Fee-simple, but it shall be Assets.

[b] L. 5 E. 4. 61. 18 E. 3. 29.
21 H. 6. 37. Bro. tit.
Vill. 70.

¶ *Fee-tail.* By this it is apparent, that if Lands be given to a Villein and to the Heirs of his Body, the Lord may enter, and put out the Villein and the Heirs of his Body; for Quicquid acquiritur servo, acquiritur Domino. And in this Case the Lord gains a Fee-simple determinable upon the Dying of the Villein without Heir of his Body, and the absolute Fee-simple remaineth still in the Donor. And if the Lord enter and after infranchise the Donee, and after the Donee hath Issue; yet that Issue shall never have Remedy, either by Formedon or Entry, to recover this Land, by Force of the Statute of Donis Conditionalibus, for that Statute giveth Remedy to the Issues of the Donee that have Capacity and Power to take and retain such a Gift. And the Title of the Lord remains as it did at the Common Law, for the Statute restraineth this done only by the Tenant in Tail. And so it is if Lands be given to an Alien, and to the Heirs of his Body, upon Office found the Land is seized for the King, afterwards the King makes the Alien a Denizen, who hath Issue, and dieth; the King shall detain the Land against the Issue.

Plowd. 235. b.
Ante 90. a. 24. a. F. N. B.
12. c.
15 E. 4. 9. b. Pl. Com.
55. in Walsingham's
Case.

Sect. 173.

¶ *E* nota, si feoffment soit fait a certain person ou persons en fee al use dun villeine, ou si un villeine ove auters persons soient enfeoffees al use le villeine, quel estate que le villeine ad en le use, en fee tail, pur terme de vie ou dans, l'Seignior del villeine poit entrer en tous ceur terres & tenements, sicome l'villeine ust esse sole seisie del demesne. Et cest per Lestatute de anno 19 H. 7. cap. 15.

¶ *AND* note; if a Feoffment be made to a certain Person or Persons in Fee to the Use of a Villein, or if a Villein with other Persons be infeoffed to the Use of the Villein, what Estate soever that the Villein hath in the Use, in Fee-tail, for Term of Life or Years, the Lord of the Villein may enter into all those Lands and Tenements, as if the Villein had been sole seised of the Demesne. And this is given by the Statute of Anno 19 H. 7. cap. 15.

¶ This is an Addition to Littleton, and the Statute of 19 H. 7. cap. 15. therein mentioned, for the Cause that hath been afore said, hath lost its Force.