

prescription ne poet auterment prescriber forsque en luy & en ses Aucestors que heir il est, & nemy per ceur parols, En luy & en ceur que estate il ad; pur ceo que il ne poet aver lour estate sans fait ou auter escripture, le quel covient desre monstre a le court, si il voile aver ascun advantage de ceo. Et pur ceo que le grant & alienation dun villein en gros ne gist sans fait ou auter escripture, home ne poit prescriber en un villein en gros sans monstrans descriptur, si non en soy mesme que claim le villeine, & en ses Aucestors que heir il est. Mes de tiels choses que sont regardants ou appendants a un Manor, ou a auters Terres & Tenements, home poet prescriber, que il & ceur que estate il ad, queur fueront seises de le Manor ou de tiels Terres & Tenements, &c. ont este seises de tiels choses, come regardants ou appendants a la Manor, ou a tiels terres & tenements de temps dont memoire, &c. Et la cause est, pur ceo que tiel Manor

such Things by Prescription cannot otherwise prescribe but in him and in his Aucestors, whose Heir he is, and not by these Words, In him and them whose Estate he hath; for that he cannot have their Estate without Deed or other Writing, the which ought to be shewed to the Court, if he will take any Advantage of it. And because the Grant and Alienation of a Villein in Gros lieth not without Deed or other Writing, a Man cannot prescribe in a Villein in Gros without shewing forth a Writing, but in himself which claims the Villein; and in his Aucestors whose Heir he is. But of such Things which are regardant or appending to a Manor, or to other Lands and Tenements, a Man may prescribe, that he and they whose Estate he hath, who were seised of the Manor, or of such Lands and Tenements, &c. have been seised of those Things, as regardant or appendant to the Manor, or to such Lands and Tenements, time out of Mind of Man. And the

Domini Regis, vel ejus Justiciariorum. [a] Talis concordia [a] Pl. Com. 357.

finalis dicitur, eo quod finem imponit negotio, adeo ut neutra pars litigant ab eo de cetero poterit recedere. Of the several Parts of a Fine, and many Incidents to the same, you shall read in my Reports.

¶ Que Estate, &c.

Quorum statum, as much as to say, Whose Estate he hath. Here Littleton declareth one excellent Rule; [b] That a Man cannot prescribe in any Thing by a Que Estate, that lieth in Grant, and cannot pass without Deed or Fine; but in him and his Aucestors he may, because he comes in by Descent without any Conveyance. Neither can a Man plead a Que Estate in himself of any Thing that cannot pass without Deed; [c] but in another he may: As in War of an Abbot, the Plaintiff may plead a Que Estate in the Seignior in the Abbotant. But Littleton's Words are to be observed, [Home que voile aver tiels choses per Prescription.] Therefore [d] when a Thing that lieth in Grant is but a Conveyance to the Thing claimed by Prescription, there a Que Estate may be alledged of a Thing that lieth in Grant; as a Man may prescribe that he and his Aucestors, and all those whose Estate he hath in an Hundred, have Time out of Mind, &c. had a Leet, &c. This is good, &c. [40].

[e] Regularly the Plaintiff shall not entitle him by a Que Estate, but he must shew how he came by it; but after Abbot made, the Plaintiff shall plead a Que Estate, because he is now become as a Defendant.

[f] A Man may plead a Que Estate of a Tenure in Tail, or of an Estate for Life, so as he averreth the Life of them: But he cannot plead a Que Estate of a Lease for Years, or at Will. [g] A Disseisor, Abbot, Intruder, Recoveror, or any other that cometh in the Post, shall plead a Que Estate.

[h] 11 H. 4. 89. 19 R. 2. Action sur le Case 51. 13 E. 3. Br. 674. 10 Co. 59. b.

[i] 9 E. 4. 3. b. 29 Aff. 19. 2 H. 6. 10. 48 E. 3. tit. 33. Brook que Estate 3.

[j] 1 Co. 46. a. Sid. 298. 40 Aff. 28. 2 H. 4. 20. 15 E. 4. 1. 5 H. 7. 39. 18 E. 4. 10. 7 E. 6. tit. Que Estate. Br. 31. 27 H. 6. 3. 7 Eliz. Doc. Pla. 304. [g] 22 H. 6. 34. 6 E. 4. 12. 3 H. 8. Que Estate, Br. 48. 39 H. 6. 14. 9 H. 6. Estop. 25.