

Vide Sect. 325.

This (&c.) implies any other Rent or Sum in gross, or any collateral Condition whatsoever, either to be performed by the Feoffee, (whereof our Author here putteth his Case) or by the Feoffor, and extendeth to all kinds of Conditions in Deed before specified.

de certaine terre, habendum & tenendum eidem B. & hæredibus suis, sub conditione, quod idem B. & hæredes sui solvant seu solvi faciant præfat' A. & hæredibus suis annuatim talem redditum, &c. En cest case sans aucun plus dire le Feoffee ad estate sur condition.

tain Land, To have and to hold to the said B. and his Heirs, upon Condition that the said B. and his Heirs do pay or cause to be paid to the aforesaid A. and his Heirs, yearly, such a Rent, &c. In this Case, without any more saying, the Feoffee hath an Estate upon Condition.

Sect. 329.

Proviso. Vide Sect. 220. 13 H. 4. Entre Cong. 57. Seigni. Cr. muel's Case. Lib. 2. fol. 71, 72. at large. 35 H. 8. tit. Condition.

Proviso *semper qd' B. solvat, &c.*

Our Author putteth his Case where a Proviso cometh alone; and so it is if a Man by Indenture letteth Lands for Years, provided always, and it is covenanted and agreed between the said Parties, That the Lessee should not alien: And it was adjudged that this was a Condition by Force of the Proviso, and a Covenant by Force of the other Words.

This Word Proviso shall be also taken as a Limitation or Qualification, as hereafter in its proper Place shall be said; and sometimes it shall amount to a Covenant. All which do appear by the Authorities in the Margin. *

* 27 H. 8. 15, &c. Flet. lib. 4. cap. 9.

For the [&c.] in this Section, Explanation is made in the Section next before.

Ou fueront tiels. Ita quod. This is the third Condition in Deed, whereof our Author makes mention.

Aux si les parols fueront tiels, Proviso *semper quod prædict' B. solvat, seu solvi faciat præfato A. talem redditum, &c. ou fueront tiels, Ita quod prædict' B. solvat, seu solvi faciat præfato A. talem redditum, &c. En ceur cases sans plus dire, le Feoffee nad Estate forsq' sur condition, insint que sil ne perfoymast le condition, le Feoffor & ses heires poient entrer, &c.*

Also if the Words were such, Provided always that the aforesaid B. do pay or cause to be paid to the aforesaid A. such a Rent, &c. or these; So that the said B. do pay or cause to be paid to the said A. such a Rent, &c. In these Cases, without more saying, the Feoffee hath but an Estate upon Condition: So as if he doth not perform the Condition, the Feoffor and his Heirs may enter, &c.

Sect. 330.

Ante 146. b. 6 E. 2. Entre Cong. 65. 8 E. 2. Aff. 320. adjudged. Quod si contingat. Pasch. 37 Eliz. Rot. 254. inter Sayer & Hares in Com. Banco.

Quod si contingat, &c. This is the fourth Condition in Deed, set down by our Author.

Dentrer, &c. Hereby it is evident, That

Item autres parols sont en un fait queur causont les Tenements estre conditionals. Si come sur tiel feof-

Also there be other Words in a Deed which cause the Tenements to be conditional: As if upon such a Feoffment