

[a] 21 E. 3. 34. b.  
30 Aff. p. 7.

[b] Brit. c. 73. 20 E. 3.  
Vouch. 129. 11 E. 3. Age  
3. 5 H. 7. 2.

[a] And in the same Case, if both Daughters enter and make Partition, this Partition shall bind the Mulier for ever.

[b] And an Issue of Moridancesthor lieth not between the Bastard and the Mulier in Respect of the Proximity of Blood.

And the Bastard being impleaded or vouched shall have his Age.

**¶ Et le Bastard enter come heire a son pier.** If a Man hath Issue Bastardeigne and Mulier Puisne, and the Bastard in the Life of the Father hath Issue and dieth, and then the Father dieth seised, and the Son of the Bastard entreth, as Heir to his Grandfather, and dieth seised, this Discent shall bind the Mulier.

**¶ Pur ceo que est ancient Ley in tiel case use, &c.** As hereafter in our Commentary upon the two next Sections shall appear by our ancient Books, and the ancient Statutes of the Realm. And here is implied how necessary it is, after the Example of our Author, to look into the Antiquities, than which nothing is more venerable, profitable and pleasant.

Sect. 400.

**¶ MES** il ad este l'opinion d'ascuns, que ceo terra intendue lou le pier ad un firs bastard per un feme, & puis espousa mesme la feme, & apres l'espousels il ad Issue per mesme la feme on firs, ou un file mulier, & puis le pier morust, &c. si tiel Bastard enter, &c. & ad Issue & devie seise, &c. donque avera l'issue de tiel Bastard le Terre cleerment a luy, come avant est dit, &c. & ne my ascun auter Bastard la mere, que ne fuit unque espouse a son pier, & ceo semble bone & reasonable opinion. Car tiel Bastard nee devant espousels celebres presenter son pier & sa mere, per la Ley de Saint Eglise est Mulier, coment que per la Ley del Terre il est Bastard, & insint il ad un colour d'entrer come heire a son pier, pur ceo que il est per un Ley mulier, &c. & p la Ley de Saint Eglise. Mes auterment est de Bastard que nad ascun maner de colour d'entrer come heire, entant que il ne poit per nul Ley estre dit mulier, car tiel Bastard est dit en la Ley, Quasi nullius filius, &c.

Fortescue 96. a.

**BUT** it hath been the Opinion of some, That this shall be intended where the Father hath a Son Bastard by a Woman, and after marrieth the same Woman, and after the Espousals he hath Issue by the same Woman a Son or a Daughter, and after the Father dieth, &c. if such Bastard entreth, &c. and hath Issue and die seised, &c. then shall the Issue of such Bastard have the Land clearly to him, as it is said before, &c. and not any other Bastard of the Mother which was never married to his Father, and this seemeth to be a good and reasonable Opinion: For such Bastard born before Marriage celebrated between his Father and his Mother, by the Law of Holy Church is *Mulier*, albeit by the Law of the Land he is a Bastard, and so he hath a Colour to enter as Heir to his Father, for that he is by one Law *Mulier*, sc. by Law of holy Church. But otherwise it is of a Bastard which hath no Manner of Colour to enter as Heir, insomuch as he can by no Law be said to be *Mulier*, for such a Bastard is said in the Law to be, *Quasi nullius filius*, &c.

Mes