

*l'entree l'enfant, mes
qu'il poet enter sur le
issue que est eins per
discent, &c. pur ceo
que nul laches serra
adjudge en un En-
fant deins age en tiel
case.*

Infant, but that he
may enter upon the
Issue which is in by
Discent, for that no
Laches shall be ad-
judged in an Infant
within Age in such a
Case.

twenty-one Years, and cer-
tain Privileges he hath in re-
spect of his Infancy.

*Nul laches serra
adjudge en un enfant
deins age en tiel case.*

And Littleton well added (en
tiel case) that is, in case of
Discent; for in some other
Cases, Laches shall prejudice

an Infant: As Laches shall be adjudged in an Infant, if he
be present not to a Church within
six Months; for the Law respecteth more the Privilege of the Church, (that the Cure be
served,) than the Privilege of Infancy. And so the publick Repose of the Realm, concern-
ing Men's Freeholds and Inheritances, shall be preferred before the Privilege of Infancy, in
Case of a Fine, where the Time begins in the Time of the Ancestor. So Non-claim of a
Villein, or an Infant by a Year and a Day, who hath fled into ancient Demesne, shall
take away the Seizure of the Infant. And if an Infant bring not an Appeal of the Death
of his Ancestor within a Year and a Day, he is barred of his Appeal for ever; for the Law
respecteth more Liberty and Life, than the Privilege of Infancy. And here it is to be observed,
that Littleton putteth his Case, that an Infant shall enter upon a Discent when a Stranger
dieth seised; but he put it not so before, in the Case of the Bastard eigne. B. Tenant in Tail
infeoffeth A. in Fee, A. hath Issue within Age, and dieth, B. abateth and dieth seised, the Is-
sue of A. being still within Age; this Discent shall bind [a] the Infant, for the Issue in Tail
is remitted: And the Law doth more Respect an ancient Right in this Case, than the Privi-
lege of an Infant that had but a defeasible Estate: And it is said, [b] if the King die seised
of Lands, and the Land descend to his Successor, that this shall bind an Infant, for that the
Privilege of an Infant in this Case holds not against the King.

Post 380. b.

33 E. 3. Quare Imp. 46.

F. N. B. 33.
Pl. Com. 372.

Ante 244. a.

[a] 11 E. 4. 1, 2.
F. N. B. 35. m.

[b] 35 H. 6. 60.

Sect. 403.

*Item si le Ba-
ron & sa feme
come en droit la
feme ont tittle & droit
d'enter en tenements
que un autre ad en
fee, ou en fee taile, &
tiel Tenant morust
seisie, &c. en tiel case
l'entree le Baron est
tolle sur le heire que
est eins per discent.
Mes si le Baron de-
vie, dunque la feme
bien poet enter sur
l'issue que est eins per
discent, pur ceo que
laches le Baron ne
turnera la feme ne
les heires en preju-
dice ne en damage*

Also if Husband
and Wife, as in
Right of the Wife, have
Title and Right to enter
into Lands which an-
other hath in Fee, or in
Fee-tail, and such Ten-
ant dieth seised, &c.
In such Case the Entry
of the Husband is ta-
ken away upon the
Heir which is in by
Discent: But if the
Husband die, then the
Wife may well enter
upon the Issue, which
is in by Discent, for
that no Laches of the
Husband shall turn the
Wife, or her Heirs to
any Prejudice, nor Loss

*Si le Baron & Feme
come en droit sa
feme ont tittle & droit
d'enter, &c. & tiel Te-
nant morust seisie, &c.*

These Words are general, but
are particularly to be under-
stood, viz. when the Wrong
was done to the Wife during
the Coverture; for if a feme
sole be seised of Lands in Fee,
and is disseised, and then ta-
keth Husband; in this Case
the Husband and Wife, as in
the Right of the Wife, have
Right to enter; and yet the
Wife seised of the Disseisor
in that Case shall take away the
Entry of the Wife after the
Death of her Husband; and
the Reason is as well for that
she herself, when she was sole,
might have entered and reconti-
nued the Possession; as also it
shall be accounted her folly
that she would take such a Hus-
band which would not enter
before the Discent.

9 H. 7. 24. a. 2 E. 1. 25.
20 H. 6. 28. b.
42 E. 3. 12.

15 E. 4. Discent 30.