

and the same Land, then could not the said Statute execute either of them for the Uncertainty. Ante 22. b.
But if A. devise one to the Use of B. and A. doth bargain and sell the Land for Money to C. hath an Use: And here be two Uses of one Land, but of several Natures, the one, viz. upon the Bargain and Sale to be executed by the Statute, and the other not.

But since Littleton wrote, all Uses are transferred by Act of Parliament into Possession; so as the Case which Littleton here puts, is thereby altogether altered. Yet it is necessary to be known what the Common Law was before the making of the Statute, and may serve for the Knowledge of the Law in like Case.

Incontinent sur le Feoffment. Quæ incontinenti sunt in esse videntur.

A lour volunt, &c. Here is implied, every Tenancy at Will is at the Will of both Parties, as before in its proper Place hath been shewed.

Sect. 464.

Un aut cause
ils allegent,
Que si tiel fre vault
ris. p an, &c. donq
tiel Feoffor terra ju-
re en Assises & en
autres enquestes en
Pleas reals, & auxy
en Pleas personals,
de quel grand sum
que les Plaintiffs
vissent counter, &c.
Et ceo est p l'Com-
mon Ley de la fre,
Ergo ceo est p un
grand cause, & la
cause est, q la Ley
voet que tiels Feof-
fors & leur Heires
doient occuper, &c.
& prendre & enjoyer
touts maner de pro-
fits, issues, & reve-
nues, &c. sitome
les Tenements fuerot
leur mesmes sans
interruption de les
Feoffees, nient ob-
stant tiel Feoffment,
Ergo mesme la Ley
done privy peren-
ter tiels Feoffors &

Another Cause they
alledge, That if
such Land be worth
forty Shillings a Year,
&c. then such Feoffor
shall be sworn in As-
sises and other Enquestes
in Pleas real, and also
in Pleas personal, of
what great Sum so-
ever the Plaintiffs will
declare, &c. And this
is by the Common
Law of the Land: *Ergo*
this is for a great Cause:
And the Cause is, for
that the Law will that
such Feoffors and their
Heirs ought to oc-
cupy, &c. and take
and enjoy all Manner
of Profits, Issues, and
Revenues, &c. as if the
Lands were their own,
without Interruption of
the Feoffees, notwith-
standing such Feoff-
ment: *Ergo* the same
Law giveth a Privi-
ty between such Feof-
fors and the Feof-
fees upon Confidence,

By the Statute of 2 H. 5. Ante 1:6. b.
c. 3. Stat. 2. it is en- Vide W. 2. cap. 38.
acted, That in three Cases he Lestat. de 21 E. 1. de
that passeth in an Inquest, Juraris ponendis in Ass.
ought to have Lands and &c.
Tenements to the Value of Fortesc. 62. a.
forty Shillings, viz. first, Up- 27 El. cap. 6.
on Trial of the Death of a Man.
Secondly, In Plea real be-
tween Party and Party. And
Thirdly, In Plea personal,
where the Debt, or the Da-
mages in the Declaration a-
mount unto forty Marks. And
it is worth the noting, That
the Judges that were at the
making of that Statute, did
construe it by Equity: For
where the Statute speaks in
the Disjunctive, Debt or Da-
mages, they adjudged, that
where the Debt and Damages
amounted to forty Marks,
that it was within the Sta-
tute. Fortescue [a] saith, Ubi 9 H. 5. fol. 5.
damna vel debitum in perso- [a] Fortesc. cap. 15.
nalibus Actionibus non exce-
dunt quadraginta Marcas mo-
netæ Anglicanæ, hinc non
requiritur, quod Juratores in
Actionibus hujusmodi tantum
expendere possint: habebunt
tamen terram vel redditum, ad
valorem competentem, juxta
discretionem Justiciariorum,
&c. And forasmuch as at the
Time of the making of this
Statute, the greater Part of
the Lands in England, in
those troublesome and dange-
rous Times, (when that un-
happy Controversy between
the Houses of York and Lan-
caster was begun,) were in
Use; and the Statute was
made