

Lib. 8. fol. 153. Altham's Case, 39 H. 6. 38.

1 Cro. 429.

[a] W. 2. cap. 3.

Vide Sect. 429, 659, &c.

6 H. 7. 8. a.

Pl. Com. f. 374. in Seignior Zouch's Case, & fol. 487, 448. in Nichol's Case.
23 H. 8. Taile Br. 32.
35 H. 8. Grant Br. 150.
Vide 16 El. Dyer 325. b. Titulum.

41 E. 3. tit. Waste 33.
11 H. 4. 67. 13 H. 7. 10.
Per Dyer 27 H. 8. 20.

42 E. 3. 23.
F. N. B. 60. H. 41 E. 3.
Waste 33. 42 E. 3. 18.

Estate in esse in Conveyances; and therefore if Tenant in Fee-simple make a Lease for Years, and release all his Right in the Land to the Lessee and his Heirs, the whole Estate in Fee-simple passeth.

And so commonly in Fines, the Right of the Land includeth and passeth the State of the Land, as A. cognovit tenementa prædicta esse jus ipsius B. &c. And the Statute [a] saith, Jus suum defendere, (which is) statum suum. And note that there is Jus recuperandi, jus intrandi, jus habendi, jus retinendi, jus percipiendi, jus possidendi.

Title properly (as some say) is when a Man hath a lawful Cause of Entry into Lands whereof another is seised, for the which he can have no Action; as Title of Condition, Title of Mortmain, &c. But legally this word (Title) includeth a Right also, as you shall perceive in many Places in Littleton; and Title is the more general Word, for every Right is a Title, but every Title is not such a Right for which an Action lieth; and therefore Titulus est justa causa possidendi quod nostrum est, and signifieth the Means whereby a Man cometh to Land, as his Title is by Fine, or by Feoffment, &c. And when the Plaintiff in Waste maketh himself a Title, the Tenant may say, Veniat Assisa super titulum, which is as much as to say, as upon the Title which the Plaintiff hath made by that particular Conveyance; Et dicitur titulus à tuendo, because by it he holdeth and defendeth his Land; and as by a Release of Right a Title is released, so by Release of a Title a Right is released also. See more hereof in Fitzherbert and Brook's Abridgments, in the Title of Title.

Interest. Interesse is vulgarly taken for a Term or Chattel real, and more particularly for a future Term; in which Case it is said in Pleading, that he is possessed De interesse termini. But ex vi termini, in legal Understanding, it extendeth to Estates, Rights and Titles, that a Man hath of, in, to, or out of Lands; for he is truly said to have an Interest in them: And by the Grant of totum interesse suum in such Lands, as well Reversions as Possessions in Fee-simple shall pass. And all these Words singularly spoken are nomina collectiva, for by the Grant of totum statum suum in Lands, all his Estates therein pass; Et sic de cæteris.

Ne unques avera briefe de waste, &c. So it is if Tenant for Life be, the Remainder in Tail, and he in the Remainder release to the Tenant for Life, all his Right and State in the Land. Hereby it is said in our Books, that the Estate of the Lessee is not enlarged; but the Release serveth to this Purpose, to put the Estate-tail into Abeyance, so as after that he in the Remainder cannot have an Action of Waste; yet in that Case (saving Reformation) the Lessee for Life hath an Estate for the Life of Tenant in Tail expectant upon his own Life. But if Tenant in Fee release to his Tenant for Life all his Right; yet he shall have an Action of Waste. And if Tenant in Tail make a Lease for his own Life, he shall have an Action of Waste.

vie del tenant en le taile, & le reversion de le taile nest pas en le tenant en taile, pur ceo q il avoit grant tout son estat & son droit, &c. Et si le tenant a que le grant fuit fait fist waste, le tenant en le taile ne unque avera brief de waste, pur ceo que nul reversion est en luy. Mes le Reversion & le Inheritance de le taile, durant le vie le tenant en le taile, est en abeyance, cest ascavoir, tantsolement en le remembrance, consideration, & intelligence de la ley.

nant in Tail, and the Reversion of the Tail is not in the Tenant in Tail, because he hath granted all his Estate and his Right, &c. And if the Tenant to whom the Grant was made make Waste, the Tenant in Tail shall not have a Writ of Waste, for that no Reversion is in him: But the Reversion and Inheritance of the Tail, during the Life of the Tenant in Tail, is in Abeyance, that is to say, only in the Remembrance, Consideration, and Intelligence of the Law.