

26 E. 3. 64. 10 H. 6. 11.
F. N. B. 121.
22 H. 6. 25.

[a] Li. 4. f. 51. in Og-
nel's Case, Hill. 17 El.
Rot. 457. in Com.
Banco. Sharp's Case.

21 E. 4. 4. 21 H. 7. 29.
11 H. 7. 4. 26 H. 8. 7.
43 E. 3. 10. 3 H. 6. 23.
37. 4 H. 6. 5. 14 E. 2.
Det. 73. 5 E. 2. ib. 169.
30 E. 3. 48 E. 3. 12.
12 R. 3. Br. 638, 639.
16 E. 4. 8. 16 H. 6.
Br. 939.

[b] 43 E. 3. 8.
v. 10 H. 6. 11. 39 E. 3. 17.

Vide Sect. 37, &c.

But if the Arrearages had become due, or the Church had fallen void before the Marriage, there they were merely in Action before the Marriage; and therefore the Husband should not have them by the Common Law, although he survived her. And so it is of Reliefs, Muta-
tis mutandis. [a] But now by the Statute of 32 H. 8. cap. 37. if the Husband survive the

Wife, he shall have the Arrearages as well incurred before the Marriage, as after. But the Marriage is an absolute Gift of all Chattels personal in Possession in her own Right, whether the Husband survive the Wife or no; but if they be in Action, as Debts by Obligation, Contract, or otherwise, the Husband shall not have them unless he and his Wife recover them. And of personal Goods en autre droit, as Executrix or Administratrix, &c. the Marriage is no Gift of them to the Husband, although he survive his Wife. [85]

[b] If any Estray happen within the Manor of the Wife, if the Husband die before Sei-
sure the Wife shall have it, for that the Property was not in the Wife before Seizure.

But as to personal Goods there is a Diversity worthy of Observation, between a Property in personal Goods (as is aforesaid) and a bare Possession; for if personal Goods be bailed to a Feme, or if she finds Goods, or if Goods come to her Hand as Executrix to a Bailiff, and taketh a Husband, this bare Possession is not given to the Husband, but the Action of Detinue must be brought against the Husband and Wife.

But now let us hear Littleton.

Le quel serra inconvenient. This Argument ab inconvenienti, our Autho,
hath used in many Places.

Sect. 666.

Item, si Feme seise de cer-
taine terre en fee prent ha-
ron, le quel aliena mesme la terre
a un autre en Fee, l'Alienee lessa
mesme la terre al baron & la Feme
pur terme de lour deux vies,
savourant le Reversion al Lessor &
a les heirs, en cest cas la Feme
est eings en son Remitter, & el est
seise en fait en son demesne come
de Fee, sicome el fuit adevant, p
ceo q le reprisal del Estate serra
adjudge en Ley le fait le Baron,
& nemy le fait la feme, insint nul
folly poit estre adjudge en la feme,
que est covert en tiel case, & en
cest case le Lessor nad rien en le
reversion, p ceo q la Feme est
seise en Fee, &c.

Ante 350. b.

Also, if a Woman seised of cer-
tain Land in Fee, taketh a Hus-
band, who alieneth the same Land
to another in Fee, the Alienee letteth
the same Land to the Husband and
Wife for Term of their two Lives,
saving the Reversion to the Lessor
and his Heirs: In this Case the Wife
is in in her Remitter, and she is seised
in Deed in her Demesne as of Fee,
as she was before, because the ta-
king back of the Estate shall be ad-
judged in Law the Fact of the Hus-
band, and not the Fact of the Wife;
so no Folly can be adjudged in the
Wife, which is Covert, in such Case.
And in this Case the Lessor hath
nothing in the Reversion, for that
the Wife is seised in Fee, &c.

LA feme est en son Remitter. By this it appeareth, That albeit there be no
joieties between Husband and Wife, yet this is a Remitter presently, and standeth
not upon the Survival of the Wife, as some have thought; for if the Estate gained by Inter-
marriage, be a sufficient Estate to work a Remitter, a fortiori an Estate made to the Husband
and Wife shall work a Remitter in the Wife. And so it is if Tenant in Tail infeof his
Issue, being within Age, and his Wife in Fee, and dieth, this is a Remitter to the Issue
presently, by the Death of Tenant in Tail, though some have thought the contrary.

21 E. 3. 26. 29 E. 3. 43.
41 E. 3. Remit. 11.
10 E. 3. Remit. 14. 35.
Aff. 12. 38 E. 3. 24.
39 E. 3. 29. 30.
41 E. 3. 17. 46 E. 3. 20.
B. 26. E. 3. 69. Vid.
Sect. 676. 11 R. 2.
Remit. 12. 44 E. 3. 17.

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