

[a] 21 E. 4. 4. 23 Aff. 14.
17 H. 6. E. 273.
18 E. 3. 30. 7 H. 7. 6.
8. 16.
[b] 45 E. 3. 33. 29 Aff.
38. Pl. Com. 398.
[c] 35 H. 6. 33.
49 E. 3. 14. 45 Aff. 5.
5 E. Dyer 195. 11 El.
ib. 280. 9 H. 6. 60.
[d] 5 E. 4. 7. 8 E. 4. 19.
10 E. 4. 12. 22 E. 4. 38.
32 Aff. 9. 35 H. 6. 20.
[e] 33 H. 6. 16. 4 E. 3.
22. 6 H. 4. 7. 31 E. 1.
Gard. 135. F. N. B.
142. E.
[f] 12 H. 7. 4. 20 H.
6. 29. 3 H. 4. 9.
41 E. 3. 4. 11 H. 4. 30.
[g] 2 R. 3. 14. 2 R. 2.
E. 20. 40 E. 3. 21.
12 E. 4. 13. 18 E. 3.
31. 35. 44 E. 3. 45.
17 Aff. 27. 45 E. 3. 3. a
21 H. 7. 24. 5 E. 4. 7.
7 E. 4. 19. 3 E. 4. 11.
4 E. 3. 54. 7 E. 6.
Br. E. 162. 11 H.
4. 30. 30 E. 3. 21.
31 Aff. 14.
[h] 38 H. 6. 12.
5 El. Dyer 222.
[i] 7 El. Dyer 244.
[k] Bract. f. 420.
26 Aff. 64.
39 Aff. 10. 11 H. 4. 84.
7 H. 6. 7. 33 Aff. 5.
11 E. 3. E. 229.
21 E. 3. 39. 19 E. 3.
E. 282. 3 E. 3.
ib. 23. 33 E. 3. E. 20.
Stath. L. 11. 30 H. 6. 2.
34 H. 6. 39. 18 E. 4.
1. b. 10 E. 4. 16.

[a] Secondly, That every Estoppel, because it concludeth a Man to alledge the Truth, must be certain to every Intent, and not to be taken by Argument or Inference.
[b] Thirdly, Every Estoppel ought to be a precise Affirmation of that which maketh the Estoppel, and not be spoken impersonally; as if it be said, Ut dicitur, quia impersonalitas non concludit nec ligat: impersonalis dicitur, quia sine persona. [c] Neither doth a Recital conclude, because it is no direct Affirmation.
[d] Fourthly, A Matter alledged, that is neither traversable nor material, shall not estop.
[e] Fifthly, Regularly a Man shall not be concluded by Acceptance, or the like, before his Title accrued.
[f] Sixthly, Estoppel against Estoppel doth put the Matter at large.
[g] Seventhly, Matters alledged by way of Supposal in Counts shall not conclude after Ponsuit; otherwise it is after Judgment given; and after Ponsuit, albeit the Supposal in the Count shall not conclude, yet the Bar, Title, Replication, or other Pleading of either Party which is precisely alledged, shall conclude after Ponsuit; and hereby are the Books reconciled.

Eighthly, Where the Verity is apparent in the same Record, there the adverse Party shall not be estopped to take Advantage of the Truth; for he cannot be estopped to alledge the Truth, when the Truth appeareth of Record. [h] If a Fine be levied without any Original, it is voidable, but not void; but if an Original be brought, and a Retravit entered, and after that a Concord is made, or a Fine levied, this is void, in respect the Verity appeareth of Record. [i] An Impropriation is made after the Death of an Incumbent, to a Bishop and his Successors, the Bishop by Indenture demiseth the Parsonage for forty Years, to begin after the Death of the Incumbent, the Dean and Chapter confirmeth it, the Incumbent dieth, this Demise shall not conclude, for that it appeareth that he had nothing in the Impropriation till after the Death of the Incumbent.

[k] Ninthly, Where the Record of the Estoppel doth run to the Disability or Legitimation of the Person, there Strangers shall take Benefit of that Record, as Outlawry, Excommunication, Profession, Attainder of Præmunire, of Felony, &c. Bastardy, Mulierity, commengement, and shall conclude the Party, though they be Strangers to the Record. Vide Littleton in cap. Villenage, Sect. 196, 197, &c. But of a Record concerning the Name of the Person, Quality or Addition, no Stranger shall take Advantage, because he shall not be bound by it. But Nota, Reader, That in Case of the Mulierity, prima facie, an Stranger shall take Benefit of it, &c. But yet because he may be a Mulier by the Ecclesiastical Law, and a Bastard by the Common Law; therefore against such Certificate pleaded, the adverse Party may alledge the special Matter, and confess the Certificate of the Bishop according to the Ecclesiastical Law, and alledge further the special Matter according to the Common Law, whereunto the adverse Party must answer; and so are the Books, that treat of this Matter, to be reconciled. But now let us return to Littleton.

Seet. 668.

LA Feme prie d'estre resceive & soit resceive. Receipt, Receptio, cometh of the Latin Verb Recipere, so called, because the Wife upon the Default of her Husband, is received as a Feme-sole alone, without her Husband, to defend her Right; and it is also called Defensio juris; and in this Case the Wife may be received by the [l] Statute; and yet [m] ancient Authors who wrote before the Statute, do speak of a Kind of Receipt at the Common Law. The Civilians call Resceit, Admissionem tertii pro suo interesse, which more properly is resembled to the Receipt of him in the Reversion or Remainder, that is no Party to the Suit.

MES si en l'Action de Waste le baron fait default a le grand distress, & la feme pria l'estre recevoir & soit recevoir, el monstra bien tout le matter, & coment el est en le Remitter, & el harrera le Lessor de son Action, &c.

BUT if in the Action of Waste the Husband make Default at the Grand Distress, and the Wife pray to be received, and is received, she may well shew the whole Matter, and how she is in her Remitter, and she shall bar the Lessor of his Action, &c.

Post 355. a.

20 E. 1. Defensio juris.

[l] W. 2. cap. 3.
[m] Bract. f. 393.
Mir. Lib. 3. cap. Exceptions.