

donee en le taile fait  
feoffment en fee oves-  
q; Garrantie accor-  
dant, & ad issue fits  
& file & mozt, cel  
Garrantie nest for-  
que lineal Garrantie  
a le fits a demaun-  
der p hies de For-  
medon en le descen-  
der, & auxy il nest  
forque lineal a le  
file, a demader mesme  
la terre per hies de  
Formedon en le re-  
mainder, si son frere  
deviast sans issue  
male, pur ceo q el  
clame come heire fe-  
male de le corps son  
pere engendres. Mes  
en cest cas, si son frere  
en la vie releast al  
Discontinuee, &c. ove  
Garrantie, &c. & puis  
mozt sans issue, ceo  
est un collateral Gar-  
rantie a le file, pur  
ceo que el ne poit con-  
veyer a luy le droit  
que el ad per force  
de le remainder per  
ascun mean de di-  
scend per son frere  
pur ceo que le frere  
est collateral a le title  
la soer, & pur ceo son  
Garrantie est colla-  
teral, &c.

Donee in Tail maketh a  
Feoffment in Fee, with  
Warranty accordingly,  
and hath Issue a Son  
and a Daughter, and  
dieth, this Warranty is  
but a lineal Warranty  
to the Son to demand  
by a Writ of *Formedon*  
in the Discender; and  
also it is but lineal to  
the Daughter to demand  
the same Land by Writ  
of *Formedon* in the Re-  
mainder, if her Brother  
dieth without Issue male,  
because she claimeth  
as Heir female of the  
Body of her Father in-  
gendred. But in this  
Case, if her Brother in  
his Life release to the  
Discontinuee, &c. with  
Warranty, &c. and af-  
ter dieth without Issue,  
this is a collateral War-  
ranty to the Daughter,  
because she cannot con-  
vey to her the Right  
which she hath by Force  
of the Remainder by  
any Means of Discend  
by her Brothers for that  
the Brother is collate-  
ral to the Title of his  
Sister, and therefore his  
Warranty is collateral,  
&c.

known, that for Learning  
take, and to find out the  
Reason of the Law, these  
Limitations to the Heirs  
Males of the Body, and af-  
ter to the Heirs Females of  
the Body may be put; but  
it is dangerous to use them  
in Conveyances, for great  
Inconveniences may arise  
thereupon; for if such a Te-  
nant in Tail hath Issue di-  
vers Sons, and they have  
Issue divers Daughters, and  
likewise if Tenant in Tail  
hath Issue divers Daugh-  
ters, and each of them hath  
Issue Sons, none of the  
Daughters of the Sons, nor  
the Sons of the Daugh-  
ters shall ever inherit to  
either of the said Estates-  
tail: And so it is of the  
Issues of the Issues, for  
that (as hath been said) the  
Issues inheritable must make  
their Claim either only by  
Males, or only by Females,  
so as the Females of the  
Males, or Males of the Fe-  
males are wholly excluded  
to be inheritable to either of  
the said Estates-tail: But  
where the first Limitation  
is to the Heirs Males, let  
the Limitation be, for De-  
fault of such Issue to the  
Heirs of the Body of the  
Donee, and then all the Is-  
sues, be they Females of  
Males, or Males of Fe-  
males, are inheritable.

If a Man give Lands to  
a Man, To have and to  
hold to him and the Heirs  
Males of his Body, and to  
him and to the Heirs Fe-  
males of his Body, the Es-  
tate to the Heirs Females  
is in Remainder, and the  
Daughters shall not inherit  
any Part, so long as there  
is Issue Male, or the Es-  
tate to the Heirs Males is  
first limited, and shall be

1 H. 6. 4. 11 H. 13, 14.  
23 H. 6. Devise 18. Sta-  
tham. Devise Pl. Com.  
414. 20 H. 6. 43. Vide  
Litt. c. Taile. Sect. 24.  
37 H. 8. Br. Done &  
rem. 61. & tit. No fine 1.  
& 40.  
Ante 25. a. b.

Vaugh. 368. g. 376.  
Ante 374. a.

first served; and it is as much as to say, and after to the Heirs Females, and Males in Con-  
struction of Law are to be preferred.