

discontinuee entra en la terē, adon-  
qz avera l'issue en taile son recove-  
ry per briel de Formedon, pur ceo  
q le collateral garranty est defeat.  
Et issint si ascun tiel collateral  
garranty soit pled enders l'issue en  
le taile, en son action de Formedon,  
il poit mter le matter com est a-  
bandoit, coment le Garrantie est  
defeat, &c. & issint il poit bien  
maintener son action, &c.

Discontinuee enter into the Land,  
then shall the Issue in Tail have his  
Recovery by Writ of *Formedon*, be-  
cause the collateral Warranty is  
defeated. And so if any such col-  
lateral Warranty be pleaded a-  
gainst the Issue in Tail in his Action  
of *Formed*, he may shew the Mat-  
ter as is aforesaid, how the War-  
ranty is defeated, &c. and so he  
may well maintain his Action, &c.

10 Co. 95.

**H**ere Littleton putteth another Case upon the same Ground and Reason, viz. where the  
State, whereunto the Warranty is annexed, is defeated, there the Warranty it self  
is defeated also, which is one of the Maxims of the Common Law.

## Sect. 743.

**I**tem si tenant en taile fait  
un feoffment a son Uncle, &  
puis le Uncle fait un feoffment en  
fee obelqz Garrantie, &c. a un au-  
ter, & puis le feoffee del Uncle en-  
feoffa areremaine le Uncle en fee,  
& puis le Uncle enfeoffa un estrange  
en fee sans Garrantie, & mourut  
sans issue, & le tenat en taile mo-  
runt, si le issue en l'taile voile pozt  
so bē de Formed' envers le strange  
q fuit le darrein feoffee, & ceo  
per le Uncle, le issue ne serra unqz  
bar per le Garrantie que fuit fait  
p le Uncle al dit pīmer feoffee de  
son Uncle, pur ceo que le dit  
Garrantie fuit defeat & anient,  
pur ceo que le Uncle a luy re-  
pīst cy grand estate de son pīmer  
feoffee a que le Garrantie fuit  
fait, sicome mesme le feoffee avoit  
de luy. Et la cause pur que le  
Garrantie est anient en ceo cas,  
est ceo, scil. que si le Garrantie  
estoit en sa force, donqz le Un-  
cle garrantet a luy mesme, que  
ne poit estre.

**A**lso if Tenant in Tail make a  
Feoffment to his Uncle, and  
after the Uncle make a Feoffment in  
Fee with Warranty, &c. to another,  
and after the Feoffee of the Uncle  
doth re-enfeoff again the Uncle in  
Fee, and after the Uncle enfeoffeth a  
Stranger in Fee without Warranty,  
and dieth without Issue, and the  
Tenant in Tail dieth, if the Issue in  
Tail will bring his Writ of *Formedon*  
against the Stranger that was the  
last Feoffee, and that by the Uncle,  
the Issue shall not be barred by the  
Warranty that was made by the  
Uncle to the first Feoffee of his Un-  
cle, for that the said Warranty was  
defeated and taken away, because  
the Uncle took back to him as great  
an Estate from his first Feoffee, to  
whom the Warranty was made, as  
the same Feoffee had from him. And  
the Cause why the Warranty is de-  
feated, is this, viz. that if the War-  
ranty should stand in its Force,  
then the Uncle should warrant to  
himself, which cannot be.

**H**ere