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*Where custom does not prescribe any particular mode of barring the entail of a copyhold, a surrender, though only to the use of the will, will be sufficient for that purpose without a custom. Carr v. Singer, 2 Vez. 603. Moore v. Moore, 2 Vez. 596. But a custom to bar by surrender may be concurrent with a custom to bar by recovery. Everall v. Smalley, 1 Wils. 26. et 2 Stra. 1197. Doe v. Truby, 2 Black. Rep. 944. See Mr. Cox's Edlt. of Peere Williams's Reports, n. 1 topage 13. Acceptance by a copyholder tenant in tail of a trust estate, of a surrender of the legal estate from the trustees, held a good bar of the entail and remainders over. Grayne v. Grayne, in Chancery, 1776.*

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*In this note it is suggested, as a mode to prevent dower, that the estate should be limited to such uses as the purchaser shall appoint, and for want of appointment, to a trustee, his heirs and assigns, during the life of the purchaser, &c. To keep the estate of the trustee from vesting in an infant heir, feme covert, &c. it may be limited to the trustee, his executors, administrators, and assigns, during the life of the purchaser. This will not prevent its being an estate of freehold in the hands of the executor or administrator. See note 1, page 41 b, Carthew 376. It is worthy of consideration, whether in marriage settlements, the powers of selling and exchanging, and the other powers given to the releasées, and the survivor of them, and the heirs of the survivor, should not be given to them and the survivor of them, and the executors and administrators of such survivor. This will prevent the mischief of either becoming vested in an infant heir, &c. It is observable, that even in the most approved precedents of settlements, the powers both of the cestuys que use and the releasées, are so far inaccurately penned, that they appear to be framed on a notion, that the persons exercising them act as grantors, or lessors, or otherwise as owners of the fee; when, in fact, they only design the person in whom, or the event upon which, the use is to vest or arise; or, in use a more technical expression, their acts appear to be executions of a power derived from an interest, not the executions of a power specially reserved. See n. 1, p. 112 a*

*See note 1, p. 112 a.*

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E N D O F I N D E X T O T H E N O T E S.



# E R R A T A.

In Mr. HARGRAVE'S ADDRESS, for *Mecklinia*, read *Macblinia*.

## In the COKE upon LITTLETON, and the NOTES.

- |   |   |
|---|---|
| <p>fol. 2. b. at the end of note 6, for 3. <i>Ro. Rep.</i> read 2. <i>Ro. Rep.</i><br/>         3. a. first line of note 1, for 1. <i>Vern. an. 11. Atk.</i> read<br/>             2. <i>Vern. and 3. Atk.</i><br/>         b. line 18, after <i>deformed</i>, dele <i>not.</i><br/>         6. b. line 22, for <i>banished</i>, read <i>vanish'd</i>.<br/>             36, after <i>that</i>, for <i>by</i>, read <i>up</i>.<br/>         7. a. in the notes, line 5, for <i>Menoebius</i>, read <i>Menochius</i>.<br/>         9. b. line 27, after (<i>heirs</i>) add 3.<br/>         10. a. in the notes, line 7, for <i>Dy. 178 b.</i> read <i>Dy. 179. b.</i><br/>         13. a. in the side references, line 5, for <i>Ro. Abr.</i> read 2 <i>Ro. Abr.</i><br/>             line 43, for <i>nisi</i>, read <i>cui</i>; and in line 44, for <i>quæ de rege</i><br/>             <i>tenent</i>, read <i>qui de rege tenent</i>. Both of these are alto<br/>             errors in the second edition.<br/>             line 19 of the notes, for <i>Pym's</i>, read <i>Pimb's</i>.<br/>         14. a. line 11 of lord Coke's commentary, for <i>genitum</i>, read <i>nitum</i><br/>             line 18, for <i>hereafter</i>, read <i>hereafter in</i>.<br/>             line 1 of note 2, after <i>see</i>, add <i>in</i>.<br/>         18. a. line 8, dele <i>of writ</i>.<br/>         19. a. line 5 of the notes, for <i>and Trafford</i>, read <i>Trafford and</i><br/>             <i>Trafford</i>.<br/>         20. a. line 22 of the notes, for <i>Accordingly</i>, read <i>According</i>.<br/>         21. a. line 11 of the notes, for <i>were held adjudged</i>, read <i>were</i><br/>             <i>adjudged</i>.<br/>         26. a. line 20 of lord Coke's commentary, after <i>wife</i> insert (3).<br/>             line 2 of the notes, for <i>must, by a special heir</i>, read, <i>must be</i><br/>             <i>a special heir</i>.<br/>         b. line 5 of the notes, for <i>he</i> read <i>she should have taken</i>.<br/>         28. a. in the first side references to Sect. 33. for <i>Bowle's case 13</i>,<br/>             read <i>case 11</i>.<br/>         b. line 10 of the notes, for <i>was</i> read <i>seems to have been agreed</i>.<br/>         29. b. line 14 <i>ibid.</i> read <i>of the former claim</i>, at the begin-<br/>             ning of the line.<br/>             line 18 <i>ibid.</i> for <i>leaves undecided</i>, read <i>leave undecided</i>.<br/>         31. a. line 7 <i>ibid.</i> for 30. <i>b. n. 3.</i> read 30. <i>b. n. 2.</i><br/>             line 7 <i>ibid.</i> from the bottom, for <i>covenantor's son for life</i>,<br/>             read <i>covenantor for life</i>.<br/>         33. a. line 9 of the notes, for <i>rest due</i>, read <i>residue</i>.<br/>         b. line 17 from the bottom, for 1641. read 1741.<br/>         34. a. line 10 of lord Coke's commentary, for <i>lecto mortali</i>,<br/>             query, if it should not be <i>lecto maritali</i>.<br/>             line 2 in the side references, for <i>cap. 318.</i> read <i>cap. 39.</i><br/>             line 8 of the notes, from the bottom, for <i>to as take heir</i>,<br/>             read <i>to take as heir</i>.<br/>         36. b. line 11 of the notes, for <i>Visset</i>, read <i>Visset</i>; and line 15,<br/>             for <i>B. 6.</i> read <i>B. 5</i>.<br/>         37. a. line 13 <i>ibid.</i> for <i>Leys</i>, read <i>Seys</i>.<br/>         53. a. line 8 <i>ibid.</i> after <i>waincot</i>, add, <i>if put up by himself</i>.<br/>         54. a. line 15 <i>ibid.</i> for <i>Sixer</i>, read <i>Sice</i>.<br/>         60. b. line 9 <i>ibid.</i> from the bottom, for <i>contrary, because</i>; read<br/>             <i>contrary; because</i><br/>         65. a. line 2 <i>ibid.</i> for <i>adscriptii</i>, read <i>adscriptitii</i>.<br/>             line 3 <i>ibid.</i> from the bottom, for <i>services, after</i>, read<br/>             <i>services, and after</i>.<br/>         b. line 20 <i>ibid.</i> for <i>Hominum</i>, read <i>Hominium</i>.<br/>         66. a. line 7 <i>ibid.</i> for <i>perfection of which</i>, read <i>perfection which</i>.<br/>         67. b. line 8 <i>ibid.</i> insert a comma between <i>suo</i> and <i>antequam</i>.<br/>         68. a. line 2 <i>ibid.</i> from the bottom, for <i>adapt</i>, read <i>adopt</i>.<br/>         75. b. line 8 <i>ibid.</i> for <i>Rushw. vol. 3.</i> read <i>Rushw. vol. 2.</i><br/>             line 4 from bottom, after the word <i>following</i>, insert<br/>             <i>addition</i>.<br/>         78. a. line 28, for <i>seisen</i>, read <i>seisin</i>.<br/>         84. a. line 16 of lord Coke's commentary, from the bottom, for<br/>             <i>heredum</i>, read <i>heredem</i>.<br/>         85. a. line 5 of the notes, from the bottom, after <i>subject to a</i><br/>             <i>rent</i>, insert, <i>unless by special custom, or express reservation</i>.<br/>         86. a. line 7 of lord Coke's commentary, for <i>terra regis</i>, read<br/>             <i>tempore regis</i>: though in the second edition it is printed<br/>             <i>terra regis</i>.<br/>         91. b. line 2 of the notes, for <i>on reversion</i>, read <i>or reversion</i>.<br/>             line 5 <i>ibid.</i> from the bottom, for <i>Inde?</i> read <i>Pande?</i>.<br/>         94. a. line 6 <i>ibid.</i> between <i>soage</i>. <i>In</i>, insert 3.<br/>         100. a. line 10 of lord Coke's commentary, for <i>about the mesne</i>,<br/>             read <i>above the mesne</i>.<br/>         101. a. line 9 of the notes, after <i>Elizabeth</i>, insert <i>c. 4. f. 1.</i><br/>         105. a. line 1 <i>ibid.</i> for <i>so far it relates</i>, read <i>so far as it relates</i>.<br/>         106. a. line 11 <i>ibid.</i> for <i>seems to point</i>, read <i>seem to point</i>.<br/>             line the last <i>ibid.</i> for <i>statutory</i>, read <i>statutory</i>.</p> | <p>108. a. line 17 <i>ibid.</i> after the word <i>found</i>, dele the words after<br/>             the note.<br/>         109. b. line 1 <i>ibid.</i> for <i>Deucalidonian</i>, read <i>Deucaledonian</i>.<br/>         110. b. line 14 of lord Coke's commentary, from the bottom,<br/>             for <i>puisna</i>, read <i>puisne</i>.<br/>             line 5 of the notes, from the bottom, after (1), add (2).<br/>         111. b. line 4, <i>ibid.</i> for <i>dividing land</i>, read <i>devising land</i>.<br/>         112. a. line 3 of lord Coke's commentary, from the bottom, after<br/>             <i>mente</i>, insert (7); and in the line immediately above it,<br/>             for (7), read (6).<br/>         114. a. line 21 of the notes, for <i>Mar. of Eq.</i> read <i>Max. of Eq.</i><br/>             26 <i>ibid.</i> after <i>see 114 b.</i> dele the rest of the line.<br/>         b. line 4, <i>ibid.</i> after <i>indiscriminately</i>, insert, <i>For the remain-</i><br/>             <i>der of the note to 113 a, see 116 b.</i><br/>         118. a. line 6 <i>ibid.</i> for <i>statute against cutting</i>, read <i>statutes against</i><br/>             <i>cutting</i>.<br/>         119. b. line the last <i>ibid.</i> for <i>constitution</i>, read <i>construction of this</i><br/>             <i>statute</i>.<br/>         120. a. line 11 <i>ibid.</i> for 2. <i>H. 7. 11. a.</i> read 2 <i>H. 7. 6 b.</i><br/>         121. a. line the last <i>ibid.</i> for 1. <i>P. Wms.</i> read 2. <i>P. Wms.</i><br/>         b. line 3 and 5 in the notes, for 24. <i>Ed. 3.</i> read 34 <i>Ed. 3.</i><br/>         122. b. line 1 <i>ibid.</i> dele <i>a.</i> after <i>fol. 122.</i><br/>         123. a. line 29 and 30 <i>ibid.</i> for <i>good in the first instance, and bad</i><br/>             <i>in the second</i>, read, <i>bad in the first instance, and good in the</i><br/>             <i>second</i>; and in the last line, for <i>from</i>, read <i>before</i>.<br/>         124. a. line 2 <i>ibid.</i> from the bottom, after <i>guardian of his child</i>,<br/>             add, <i>and there is no mother</i>.<br/>         126. b. line 8 <i>ibid.</i> from the bottom, for 2. <i>Leon.</i> read 2. <i>Lev.</i><br/>             and also in the same line, 2. <i>Suand.</i> 324.<br/>         127. b. line 9 <i>ibid.</i> for <i>ex in</i>, read <i>ex vi</i>.<br/>         128. b. line 6 <i>ibid.</i> from the bottom, after the word <i>wanting</i>?<br/>             dele the remainder of this and the next line, as far as<br/>             198 a.<br/>         187. b. last line but one of the text, for 32. <i>H. 8. c. 1.</i> read<br/>             32. <i>H. 8. c. 28 n. 6.</i><br/>         188. a. in the side references, for 32. <i>H. 8. 2.</i> read 32. <i>H. 8. 28.</i><br/>         191. b. line 4 in the notes, for <i>or</i>, read <i>or</i>.<br/>         202. b. line 7 note 2, dele <i>case</i>.<br/>         203. a. line 10 note 3, for <i>estate to B</i>, read <i>estate to C</i>.<br/>             line 14 note 3, for <i>conusor</i>, read <i>conusee</i>.<br/>         b. line 12 note 1, for <i>be</i>, read <i>B</i>.<br/>         204. b. line 8 note, dele <i>and</i>.<br/>         209. b. line 1 note, between <i>Price</i> and <i>in</i>, insert <i>Price</i>.<br/>         232. a. line 10 note 1, for <i>Croke</i>, read <i>Coke</i>.<br/>         239. b. line 4 note 2, for <i>no</i>, read <i>a</i>.<br/>         241. a. line 8 note 4, for <i>grantor</i>, read <i>grantee</i>.<br/>         244. b. line 27 note 2, for <i>en</i>, read <i>in</i>.<br/>         246. b. line 3 note 1, for <i>anomis</i>, read <i>animus</i>.<br/>         250. a. the reference (1) should be removed from the place<br/>             where it is, to after the words <i>continual claim</i>.<br/>         257. a. line 1 note 1, for <i>now</i>, read <i>not</i>.<br/>         266. b. line 22 note 1, between <i>of</i> and <i>scudatory</i>, insert <i>the</i>.<br/>         270. a. line 2 note 2, for 71, read 271.<br/>         271. a. line 26 of lord Coke's commentary, at the end, add (2).<br/>         293. a. line 9 note, for <i>mortgagor</i>, read <i>mortgagee</i>.<br/>         295. a. dele (2) at the beginning of the third line of the note.<br/>         302. b. line 59 of lord Coke's commentary, after <i>himself</i>, insert (1).<br/>         309. b. note, for <i>conusor</i>, read <i>conusee</i>.<br/>         325. a. line 4 note 1, after title read, <i>It was the same originally</i><br/>             <i>if the disseisor aliened; the alienee came</i><br/>         326. b. line 21 note, for 296, read 29, b.<br/>         327. a. line 22 note 1, for 196, read 19, b.<br/>         329. a. line 6 note, between <i>be</i> and <i>or</i>, insert <i>party</i>.<br/>             line 18 note, dele <i>or any of her daughters</i>.<br/>             line 23 note, after <i>issue</i>, insert <i>inheritable under such entail</i>.<br/>             line 28 note, between <i>purfuance</i> and <i>herein after</i>, insert <i>of</i><br/>             <i>the power</i>.<br/>         336. a. line 12, for <i>omnia</i>, read <i>omnino</i>.<br/>         b. line 9, for <i>E.</i> read <i>D</i>.<br/>         339. b. line 7, for <i>feoffee</i>, read <i>feoffor</i>.<br/>         368. b. line 46 of lord Coke's commentary, after <i>like</i>, insert (3).<br/>         373. b. line 11, dele <i>in tail</i>.<br/>         379. b. line 17 of the note commencing 376 b, dele from <i>lar-</i><br/>             <i>guage</i>, to <i>This</i>, line 18.<br/>         381. a. line 8 note, for <i>ascertained</i>, read <i>restrained</i>.</p> |
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\* \* \* The former part of this work having been reprinted since the original publication, the greater part of the errata above pointed out, have been corrected in such reprinted copies.



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