a tenant in tail could have charged his eſtate with their payment, he might alſo have defeated his iſſue, by mortgaging it for as much as it was worth : innumerable latent en­tails were produced to deprive purchaſers of the lands they had fairly bought ; of ſuits in conſequence of which, our ancient books are full : and treaſons were encouraged, as eſtates tail were not liable to forfeiture longer than for the tenant’s life. So that they were juſtly branded as the ſource of new contentions and miſchiefs unknown to the common law ; and almost univerſally conſidered as the common grie­vance of the realm. But as the nobility were always fond of this ſtatute, becauſe it preserved their family-estates from forfeiture, there was little hope of procuring a repeal by the legiſlature ; and therefore, by the connivance of an active and politic prince, a method was deviſed to evade it.

About 2 00 years intervened between the making of the ſtatute *de donis,* and the application of common recoveries to this intent, in the 12th year of Edward IV. ; which were then openly declared by the judges to be a ſuſſicient bar of an eſtate tail. For though the courts had, ſo long before as the reign of Edward III. very frequently hinted their opinion that a bar might be effected upon theſe prin­ciples, yet it was never carried into execution ; till Edward IV. obſerving (in the diſputes between the houſes of York and Lancaſter) how little effect attainders for treaſon had on families whoſe eſtates were protected by the ſanctuary of entails, gave his countenance to this proceeding, and suffered Taltarum’s caſe to be brought before the court : wherein, in conſequence of the principles then laid down, it was in effect determined, that a common recovery ſuffered by tenant in tail ſhould be-an effectual deſtruction thereof. Theſe common recoveries are fictitious proceedings, intro­duced by a kind of *pia fraus,* to elude the ſtatute *de donis,* which was found ſo intolerably miſchievous, and which yet one branch of the legiſlature would not then consent to repeal : and that theſe recoveries, however clandeſtinely begun, are now become by long uſe and acquieſcence a moſt common assurance of lands ; and are looked upon as the legal mode of conveyance, by which a tenant in tail may diſpoſe of his lands and tenements : ſo that no court will ſuffer them to be ſhaken or reflected on, and even acts of parliament have by a ſide-wind countenanced and eſtabliſhed them.

This expedient having greatly abridged eſtates-tail with regard to their duration, others were ſoon invented to ſtrip them of other privileges. The next that was attacked was their freedom from forfeitures for treaſon. For, notwithſtanding the large advances made by recoveries, in the compaſs oſ about threeſcore years, towards unfettering theſe in­heritances, and thereby subjecting the lands to forfeiture, the rapacious prince then reigning, finding them frequent­ly reſettled in a ſimilar manner to fuit the convenience of families, had addreſs enough to procure a ſtatute, whereby all eſtates of inheritance (under which general words eſtates- tail were covertly included) are declared to be forfeited to the king upon any conviction of high-treason.

The next attack which they ſuffered, in order of time; washy the ſtatute 32 Hen. VIII. c. 28. whereby certain leaſes made by tenants in tail, which do not tend to the prejudice of the iſſue, were allowed to be good m law, and to bind the iſſue in tail But they received a more violent blow in the ſame ſeſſion of parliament, by the conſtruction put upon the ſtatute of fines, by the ſtatute 32 Hen. VIII. c. 36. which declares a fine duly levied by tenant in tail to be a complete bar to him and his heirs, and all other perſons claiming under ſuch entail. This was evidently agreeable to the intention of Henry VII. whoſe policy it was (be­fore common recoveries had obtained their full ſtrength and authority) to lay the road as open as poſſible to the aliena­tion of landed property, in order to weaken the overgrown power of his nobles. But as they, from the oppoſite rea­sons, were not eaſily brought to conſent to ſuch a provi- ſion, it was therefore couched, in his act, under covert and obſcure expreſſions. And the judges, though willing to conſtrue that ſtatute as favourably as poſſible for the defeat­ing of entailed eſtates, yet heſitated at giving fines ſo extensive a power by mere implication, when the ſtatute *de dοnis* had expreſsly declared that they ſhould not be a bar to eſtates- tail. But the ſtatute of Henry VIII. when the doctrine of alienation was better received, and the will of the prince more implicitly obeyed than before, avowed and eſtabliſhed that intention. Yet, in order to preſerve the property of the crown from any danger of infringement, all eſtates tail created by the crown, and of which the crown has the reverſion, are excepted out of this ſtatute. And the ſame was done with regard to common recoveries, by the ſtatute 34 and 35 Hen. VIII. c 20. which enacts, that no feign­ed recovery had againſt tenants in tail, where the eſtate was created by the crown, and the remainder or reversion con­tinues ſtill in the crown, ſhall be of any force and effect. Which is allowing, indirectly and collaterally, their full force and effect with reſpect to ordinary eſtates tail, where the royal prerogative is not concerned.

Laſtly, by a ſtatute of the ſucceeding year, all eſtates-tail are rendered liable to be charged for payment of debts due to the king by record or ſpecial contract ; as ſince, by the bankrupt-laws, they are alſo ſubjected to be ſold for the debts contracted by a bankrupt. And, by the conſtruc­tion put on the ſtatute 43 Eliz. c. 4. an appointment by tenant in tail of the lands entailed to a charitable uſe is good without fine or recovery.

Eſtates-tail being thus by degrees unfettered, are now reduced again to almoſt the ſame ſtate, even before iſſue born, as conditional fees were in at common law, after the condition was performed by the birth of iſſue. For, ſirſt, the tenant in tail is now enabled to alienate his lands and te­nements by fine, by recovery, or by certain other means ; and thereby to defeat the intereſt as well of his own iſſue, though unborn, as alſo oſſthe reverſioner, except in the caſe of the crown : ſecondly, he is now liable to forfeit them for high treaſon : and, laſtly, he may charge them with reaſonable leaſes, and alſo with ſuch of his debts as are due to the crown on ſpecialties, or have been contracted with his fel­low-ſubjects in a courſe of extenſive commerce.

TAILZIE, in Scots law, the ſame with Tail. See Law, N⁰ clxxx. 9.

TALAPOINS or Talopins, prieſts of Siam.—They enjoy great privileges, but are enjoined celibacy and auſterity of life. They live in monaſteries contiguous to the temples : and what is ſingular, any one may enter into the prieſthood, and after a certain age may quit it to marry, and return to ſociety. There are talapoineſſes too, or nuns, who live in the lame convents, but are not admitted till they have paſſed their fortieth year. The talapoins educate chil­dren ; and at every new and full moon explain the precepts of their religion in their temples ; and during the rainy ſeaſon they preach from fix in the morning till noon, and from one in the afternoon till five in the evening. They dreſs in a very mean garb, go bareheaded and barefooted ; and no perſon is admitted among them who is not well ſkilled in the Baly language.

They believe that the univerſe is eternal ; but admit that certain parts of it, as this world, may be deſtroyed and again regenerated. They believe in a univerſal pervading spirit, and in the immortality and transmigration of the foul; but they extend this laſt doctrine, not only to all animals, but to vegetables and rocks. They have their good and