

special custom, in particular places. A method was, however, found out, by which lands in fee simple were, in effect, disposed of by will: this was, by conveying the land to such uses, as should be appointed by the owner of the land, and an appointment made by will was good, because, according to the legal construction, the person claiming under the appointment, took under the deed. Wright's tenures, 172.

But this method failed, when the statute of uses, 27 Hen. 8, was made, by which the use drew to it the land, and could not be separated from it.

By the statute 32 Hen. 8, cap. 1, and 34 Hen. 8, cap. 5, the power of disposing of lands by will, was generally introduced, it being thereby enacted that all persons seised in fee simple, except married women, infants, idiots, and persons of *non sane* memory, might by will and testament in writing devise to another, the whole of their lands held in soccage, which in consequence of the 12 Car. 2, includes all lands except copyholds.

Statutes Hen. 8, all wills of lands to be in writing.

These statutes prescribed no particular form or ceremony to be observed in making wills, so they were in writing.