españoles), is a series of satirical sketches in prose and verse, which partake of the character of the picaresque romance. *La culpa del primer peregrino* (Rouen, 1644; Madrid, 1735), a mystical poem; *Luis dado de Dios á Anna* (Paris, 1645), presenting the author's views on political matters; *Política Angelica* (Rouen, 1647); *La torre de Babilonia* (Rouen, 1647; Madrid, 1670), containing the two parts of *Fernan Mendez Pinto*; *Samson Nazareno*, a heroic poem; and several comedies not mentioned above, complete the list of Enriquez's acknowledged writings. Adolfo de Castro, however, in his notes to *Gil Blas*, advanced the opinion that the comedies usually attributed to Fernando de Zarate were really the production of Enriquez Gomez, who had merely adopted the shelter of a pseudonym to facilitate the introduction of his works into Spain. His principal authority was the following entry in the *Index Expurgatorius*: "Don Fernando de Zarate (is Antonio Enriquez Gomez)—His comedy, *El capellan de la Virgen, San Ildefonso*, is prohibited;" and the fact that almost nothing was known about Zarate lent a strong show of probability to his theory. The matter has since been eagerly debated. Mesonero Romanos, editor of vol. i. of the *Dramaticos posteriores á Lope de Vega* (*i.e.*, vol. xlvii. of Rivadeneyra's *Biblioteca*), though at first he adopted Castro's opinion, has since become its vigorous opponent; and Barrera makes out a very strong case in favour of the historical individuality of Zarate, alleging, among other arguments, that the subjects of the plays ascribed to him, *El gran sepulcro de Cristo, Santa Maria Magdalena*, &c., are not such as were likely to be treated in his later years by the Jewish poet, that autograph manuscripts of Zarate exist in various collections, and that the style and methods of the two writers are perceptibly distinct.

See José Amador de los Rios, *Estudios historicos*, &c., *sobre los Judios de España*, Madrid 1848; Schack, *Geschichte der dram. Lit. und Kunst in Spanien*, 1849; Kayserling, *Sephardim*, Leipsic, 1859; Barrera, *Catalogo del Teatro Antiguo Español*, Madrid, 1860.

ENSCHEDE, a town in the Overyssel province of Holland, is situated near the Prussian boundary, about 45 miles S.E. of Zwolle, at the junction of three railways. Its principal industry is the spinning and weaving of cotton, in which six spinning mills and thirteen steam-power looms are employed. Two-thirds of the town was destroyed by fire on the 7th May 1862, but was very soon rebuilt. Population in 1875, 5291.

ENTAIL (from *tailler*, to cut) really means a limited succession—one cut out by the will of the maker of the entail from the ordinary legal course of succession. The derivation of the word from *talis* (tales hæredes qui in tenore investituræ contineantur) is now abandoned. But, as an existing social institution, entail has also generally involved more or less restriction on the proprietary powers of the heirs succeeding to the subject of entail. The policy of entails has therefore been keenly discussed.[1] The attempt to settle the matter on legal principles entirely failed. On the one hand, in the language of the civil law, *unusquisque est rei suæ moderator et arbiter*. This was said to imply an unlimited right to dictate the conditions on which an estate was to be enjoyed after the death of its owner. On the other hand, it was argued that on death the ownership must change, and that the restrictions imposed on heirs of entail were inconsistent with the nature of property. These legal conceptions are themselves merely the products of different states of society. A powerful and learned writer[2] has recently shown that the notion of absolute and exclusive private property is of quite modern date; and it may be added that the power of testamentary disposition was unknown in primitive times, and has only been very gradually admitted. In most civilized countries, so far as concerns the creation of perpetuities, it is now being curtailed in obedience to those considerations of social expediency which alone can decide the question of entails. Conservative philosophers have maintained that the hope of founding a family and an estate which will together be immortal is so great an incentive to the higher forms of industry that the state cannot afford to do without it. But the irresistible answer is that if you give this powerful motive to the founder of a perpetuity, you take it away from every succeeding generation of his descendants. They are born to wealth which their idleness will not dissipate, and possibly to social distinction which has not been earned by their exertions. Besides, it is not disputed that perpetuities are opposed to the interest of the state in the annual produce of the soil, which they place *extra commercium*. These evil consequences of entails have been vividly described by Blackstone[3] in a passage borrowed without acknowledgment from Bacon:[4]—"Children grew disobedient when they knew they could not be set aside; farmers were ousted of their leases made by tenants in tail; for, if such leases had been valid, then under colour of long leases the issue might have been virtually disinherited; creditors were defrauded of their debts; for if tenant in tail could have charged his estate with their payment, he might have also defeated his issue by mortgaging it for as much as it was worth; innumerable latent entails were produced to deprive purchasers of the land 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." It is, indeed, obvious that, even if we assume heirs of entail as a class to have been keenly alive to the duties or the true interests of ownership, they had no power to improve their estates or to assist their tenants in doing so. But even if entailed estates were managed so as to yield the greatest possible amount of produce, it would still be a misfortune, and a complete answer to the argument we have been considering, that the land, so far as entailed, would be beyond the most ambitious hopes of the mercantile and manufacturing community. Perpetuities have, however, been defended on the perfectly distinct principle, not economical (in the narrower sense), but broadly political, that they are essential to the permanent well-being of an aristocracy. It is impossible here to discuss the advantages resulting from the existence of an aristocratic caste, whether invested with the hereditary privilege of legislation or regarded merely as contributing to political life an element of safety and independence and culture and historical continuity. These advantages, if they be facts, do not seem to be necessarily connected with any particular system of land-laws, and in certain circumstances a system of perpetuities might possibly impoverish and degrade a real aristocracy. But it is certainly true that in the past the two institutions are found in very close connection. Perhaps, in this view, the earliest type of an entail occurs when, out of the common property of a tribe or other primitive organization, some lands are given to a family who hold a public office or exercise definite hereditary functions. In later times the connection is sufficiently illustrated by the Carlovingian institution of *majoratus*, which spread through France and Italy and Spain, and which, like so many other Carlovingian ideas, was reproduced by Napoleon in the tawdry magnificence of the imperial decrees of 1808.[5] The strong feeling which associates the land with its hereditary owners has found expression in the well-known lines—

> "Shades that to Bacon could retreat afford
> Become the portion of a booby lord,
> And Hemsley, once proud Buckingham's delight,
> Slides to a scrivener and a city knight."

Hence, also, the various suggestions which have been made of a downward and an upward limit to the property which should be required for a lawful entail of certain dignities. In his essay on *Popular Discontents* Sir William Temple proposed, and Dr Johnson applauded the proposal, that every baron should have at least £4000, every earl £5000, and every duke £8000 worth of land. This idea has frequently been realized in practice. In Prussia an entail was incompetent except of subjects above £400 in net annual value; in Denmark the estate must be at least 200 tönder of hard corn, or 2000 acres in extent; and under the Napoleonic system the *dotation* of the proposed entail, whether proceeding from the Government or from the applicant himself, was always carefully fixed by the *Conseil du sceau des titres*, with reference to the title or dignity which it was intended to preserve. A prince of the imperial blood or a grand dignitary was entitled to call his house a *palais*, princes of the empire and dukes had to content themselves with *hôtel*, and so on. The same principle appears in the canon of construction laid down by the old Italian law, that a majoratus of such subjects as palatium, turris, castrum, and even ædificium was easily presumed.[1] Indeed, kingdoms have been the subject of entail, and thus the law of entail has supplied the key to more than one political situation. Such was the great controversy "de vanitate hæredum regredientium," whether according to the doctrine of reversion or *regredient-erben*, on the failure of heirs male, and in the absence of any *pactum confraternitatis* taking the estate to another family, a fee-simple estate remained in the last substitute, or whether the estate returned to the heirs of the entail. This question arose in 1790 between Maria Theresa and the elector of Bavaria; the former was victorious by force of arms against the general opinion of lawyers. It was also discussed all over Europe in the Hochstaden case. The crown of Spain was the type of the regular mayorazgo in that country—the inalienable estates descending to the eldest and nearest heir by blood (natu major), with right of representation and without preference of males. Again, the relation between the crown and the entailed estates of subjects has produced a number of elaborate rules with respect to the *justæ causæ* of interference by the state, and has thus profoundly influenced the history of Europe. An Italian majoratus, for instance, might include such subjects as jus honorificum, patronatus, commenda militaris, feudum habens administrationem: from all these monks were by the common law excluded; and all of them were forfeited to the fisc, either absolutely or for a time, by the blasphemy, heresy, or treason of the heir in possession. The entail, therefore, has always been much more than a family settlement or a system of land tenure. In modern Europe there have not been many forms of hereditary aristocracy without some form of entail. But it by no means follows that the influence of perpetuities upon the aristocracy has been beneficial. The introduction of *post obit* bonds, and the law of England relating to the protection of infants against unconscionable bargains, suggest some reflections of a different kind. It will appear in this article that public opinion has generally condemned entails, and that they are being rapidly abolished throughout Europe.

The speeches of Isæus and Demosthenes show that in Greece many difficult questions had risen with regard to the power of a testator to substitute one heir after another; but the earliest definite legal forms of entail were those which appeared under the later Roman law relating to *fidei commissa*, or trusts. The fidei commissum was originally a trust conveyance introduced for the purpose of evading such disabilities as the lex Voconia imposed on women to take directly under a will. The trustee, or *fiduciarius*, was after the time of Augustus liable in a personal action at the instance of the beneficiary, or *hæres fiduciarius*. This form, however, was soon converted into a long nomination or substitution of heirs, to which clauses prohibiting alienation were added. The most common clauses were such as "ne eum fundum vendatis," "ne ex nomine familiæ alienaretur." One well-known form also prohibited mortgages, and emphatically declared that the settled estates should remain "firmas meis filiis et nepotibus *per universum tempus*," and that all contrary deeds should be void and null. On this deed Scævola expressed the opinion that a security over the rents was not a contravention.[2] For some centuries the law recognized such entails as valid in perpetuity; but by Novel 159,[3] "Ut restitutiones in uno gradu subsistant," their validity was confined to the first four generations.

The *jus emphyteuticum* limited to *hæredes sui*, which was granted to *coloni*, formed the type of the tenure by hereditary lease, *bail héréditaire*, which is still common in Europe. Among others may be mentioned the *aforamento* of Portugal, in which the superior is named *directo senhor*, and the vassal or tenant *foreiro*; the *contratto di livello* and *beni libellari* of parts of Italy; the *emphiteusis transitoria ad quoscunque ex pacto et providentia concedentis*, the tenure of monastery lands, in the old Roman states; the *erbleihe* and *landsiedelgüter* of Bavaria ("allodified" in 1848); the *beklem-regt* of Gröningen, subject to the *propinen*, or fine, on renewal; the *erb-pacht* of several German districts; the *quevaises* and *domaine congéable* of the west of France; most of which, indeed, have become fee-simple estates, but were at one time inalienable. The differences between emphyteusis and feu are well brought out in an essay *De prohibita rerum alienatione* by the Dutch jurist Sande, Leovardiæ, 1657. This and the tenure on which the *limitanei milites* held their *agri limitrophi* as a *subsidium adversus rebelles* naturally introduce us to the *feuda gentilitia* of the feudal law in which the benefice was granted out to a vassal and his heirs, who could not alienate without the superior's consent, because on the failure of these heirs the feu returned to the superior. Indeed, the vassal could not alter the succession; and hence, as Sir Thomas Craig observes, "sine superioris consensu vix talliæ locus esse potest."[4] The principle of limitation is here of course entirely opposed to that of the Roman law, which affirmed the right of a testator to name his heirs in perpetuity. It was a feudal maxim, "Solus Deus potest facere hæredem;"[5] and the limitations on the vassal's right arose, not from his own act, but from the reserved estate of superiority and the tenor of his charter in the lands. The feudal law also favoured male heirs, and required that one heir only should succeed.

It appears from the laws of Alfred (c. 37), that entails were known before the Norman feudal law had been domesticated in England. "Si quis terram hæreditariam habeat, eam von vendat a cognatis hæredibus suis, si illi viro prohibitum sit, qui eam ab initio acquisivit, ut ita facere nequeat." These grants which could not be alienated from the lineage of the first purchaser were also known as

[1] See J. R. M'Culloch's note xix. to his edition of *Wealth of Nations*, 1828, afterwards republished as *Treatise on the Succession to Property vacant by Death*, London, 1848.

[1] M. de Laveleye, in his *De la Propriété et de ses formes primitives*, Paris, 1874.

[2] *Commentaries on the Laws of England*, ii. 7, p. 116, Sweet's edition, 1844.

[3] "On the Use of the Law," *Works* (Spedding's ed.), vii. 490.

[4] Merlin, *Répertoire de jurisprudence*, tome vii. p. 702.

[1] Joannis Torre, *De successione in Majoratibus et Primogeniturâ*, Paris, 1692.

[2] D. xxxi. De legatis et fidei commissis, tt. 69–88. C. vi. De fidei commissis, t. 4.

[3] See a note on this Novel, Gibbon, viii. 80.

[4] ii. 16, *De successione talliata*, § 12.

[5] See Mr Charles Butler's note 191a to *Coke on Littleton*.

feuda conditionata, because if the donee had no heirs of his body the estate reverted to the donor. This right of reversion being constantly evaded by a sale and repurchase on the birth of issue, the famous Statute of Westminster the Second, *de donis conditionalibus*, 13 Edw. I. c. 1, was passed, which provided that the will of the donor should be observed, and that no alienation by the donee should prevent the operation of the condition. Thus was created the fee-tail, or *feudum talliatum*, of English law—a strict and practically perpetual entail. The power of alienation was reintroduced by the judges in Taltarum's case (Year Book, 12 Edw. IV. 19) by means of a fictitious suit or recovery which had originally been devised by the regular clergy for evading the statutes of mortmain. A full account of the mysteries of præcipe and vouching, and of another fictitious process of fine (finalis concordia) and proclamation, will be found in Blackstone, ii. 7, and Mr Knowler's argument in Taylor and Horde, 1 Burr. 60. These forms were abolished by an Act passed in 1833; and now every tenant in tail, at least while there is a possibility of issue, may bar even his issue by executing a deed and enrolling it in the Court of Chancery, but not by will. This right is available to creditors. The erroneous notion of *heir land*, however,—of something which must perpetually descend from father to son,—still lingers in some country districts of England. By the common form of marriage settlement, the eldest son and the other sons of the marriage are made tenants in tail. Where the parent or some other person enjoys a life interest under the settlement, he is called the protector of the settlement, and his consent is required to the barring of the entail by the first tenant in tail. Thus, except in the case of estates tail granted by the crown as a reward for public services (see 34 and 35 Hen. VIII., c. 20), land in England cannot now be tied up for a longer period than the lives of persons in existence and twenty-one years thereafter. The rigid law of forfeiture which was applied in the time of Henry VIII. to estates tail was repealed by the Act 33 and 34 Vict. c. 23, which provides that no conviction of treason or felony or verdict of *felo de se* shall cause any attainder or corruption of blood or any forfeiture or escheat.

In Scotland, where for several centuries feus remained inalienable beyond one-half of their extent, where the feudal aristocracy often violently resisted the approach of creditors or apprisers, and where the dawning of commerce was very late, statutory authority was not given to entails until the year 1685.[1] As Sir George Mackenzie said in one of his pleadings, "the honour of the country standeth more by ancient families than by merchants." The word entail, indeed, is often used before the 15th century, but generally in the sense of a simple destination alterable by every heir in possession. Thus Sir James Balfour informs us that "infefment of tailzie" is considered lawful and not prejudicial to the king's soul and conscience, and explains that the entail might at any time be broken by resignation in favour of heirs whomsoever. The earliest prohibition *de non alienando* occurs in 1489. After this it was attempted to protect the rights of substitute heirs by the diligences of inhibition and interdiction; and at last, in the early part of the 17th century, Sir Thomas Hope, who revised the Calderwood entail, introduced the well-known irritant and resolutive clauses, declaring void deeds in contravention of the entail and the right of the contravening heir. Cromwell, with his usual sagacity, appointed a committee to consider the legal destruction of entails; but in the celebrated Stormonth case in 1662, one of the clauses just mentioned was held to be valid at common law against creditors, who, however, had got notice of it from the title-deeds. Much doubt was felt about the soundness of this decision. The first Roxburgh entail had been addressed to the sovereign, as if to invoke special protection. The aristocracy were alarmed by the forfeitures for treason which took place under Lauderdale's administration; and accordingly the statute of 1685 was passed, which until 1848 remained the *foundation* of the Scotch law of entail. It adopts the style suggested by Hope (a prohibition of sales, mortgages, and alterations of succession, with irritant and resolutive clauses), and provides that if the deed of entail be recorded in the register of tailzies, and if notice of the conditions be also given in the titles of the estate, the entail is to have perpetual validity. The heir in possession remained nominally proprietor, but his powers of management were in reality not much more extensive than those of a liferenter. The statute applied to almost everything in the nature of a heritable subject. Jedburgh cross, for instance, was entailed; so was the office of heritable usher; even the smallest properties (*e.g.*, a lodging in Edinburgh, *pars tenementi* in Forfar, a single field in the Haughs of Clyde) were sometimes tied up. But it did not apply to the entails of money and household furniture, which had not been uncommon in earlier times. It has been well described as a "padlock on the plough;" and the security from forfeiture (except of the life-interest of the traitor) which the Scotch Estates fancied they had secured by the Act 1690, c. 33, was taken away by the Act 1708, c. 21, which attempted to assimilate the laws relating to treason in the two countries. The feudal maxim "tantum facit quis delinquendo quantum alienando" may have made rebellion more stubborn; but it is impossible not to agree with the Scotch statute, that "it is just that every man suffer for his own fault, and not the innocent with or for the guilty." The English law of forfeiture, on the other hand, proceeds on the Ciceronian principle "ut caritas liberorum amiciores parentes reipublicæ redderet" (*Ad Brutum*, 12).[2] The only interests saved from forfeiture under an English entail were those of remainder-men; but as a Scotch entail has no remainder-men, the forfeiture of Scotch estates was for a time complete. The judges and the commissioners of forfeited estates took very different and very warm views of the matter. After the first Jacobite rebellion, however, a compromise was effected in the case of Gordon of Park, according to which only the right of the traitor's issue was taken away. Meanwhile the entail system was found to weigh heavily on agriculture; the amount of litigation to assert or to control the rights of the proprietors was excessive; the judges, chiefly members of the aristocratic class, at first benignant towards perpetuities, had begun to apply those strict tests of language as distinguished from intention which have since furnished some of the most ludicrous and not the most creditable efforts of judicial interpretation; and at last, through the efforts of the Faculty of Advocates led by Mr Lockhart, the Montgomery Act (10 Geo. III. c. 51) was passed, which gave some relief to heirs in possession in such matters as building and improving leases, expenditure on permanent improvements, and exchanges. It was followed after a long interval by the Aberdeen Act (5 Geo. IV. c. 87), which conferred powers of charging provisions to a limited amount for husbands, wives, and children; and after a select committee of the Commons had reported on the subject of Scotch entail (Par. Pap. vii. 1828), by the Rosebery Act (6 and 7 Will. IV. c. 42, amended by 1 and 2 Vict. c. 70, and 4 and 5 Vict. c. 24), which enlarged

[1] Dalrymple's *Essay towards a General History of Feudal Property*, 1757.

[2] See *Considerations on the Law of Forfeiture for High Treason*, by Mr Charles Yorke, London, 1748.

the powers of excambion, or exchange. The suggestion made in 1822 to throw entailed estates into judicial management by an action of cognition and sale was fortunately abandoned. In 1840 an Act (3 and 4 Vict. c. 48) permitted the granting of sites for churches, schools, manses, and teachers' houses. At last, an accomplished lawyer, Lord Rutherfurd, framed and passed the comprehensive Act, 11 and 12 Vict. c. 36, which still bears his name, and which has abolished perpetuities in Scotland and introduced a system of greater freedom than that of strict settlement in England. This Act not only increases the power of charging entailed estates with improvement debts and provisions, of feuing, and of sale to pay off debt, but it introduces a right to disentail to be exercised for some time after the passing of the Act with certain consents, but which practically gives an estate in fee-simple to every entailed proprietor born after 1848. This Act, which also applies for the first time the principle of the Thellusson Act to land in Scotland, has been usefully enlarged by the following Acts—16 and 17 Vict. c. 94, 31 and 32 Vict. c. 84, and 38 and 39 Vict. c. 61,—the last of which contains a liberal definition of permanent improvements. In 1847 it was estimated that one-half of the land in Scotland was under entail; in 1827 the proportion was stated at one-third, the number of separate entails being about 1600. Since 1848, 616 deeds of entail, including re-entails, 435 instruments of disentail, and 105 deeds of excambion have been recorded (*Treatise on the History and Law of Entails in Scotland*, by E. D. Sandford, 2d ed. 1842; see also the text-books on conveyancing, minor works by Fergusson, Irvine, and Duff, and two essays by Lord Kames).[1]

From a very early time the Roman law of entail, or "substitution graduelle," was received in France. The very phrase of the digest, "ne de nomine exiret," was in common use. *Insinuation*, or recording in the books of a *Prévoté Royale*, or *Bailliage Royal*, was necessary to bind creditors. The institute, *grevé* (*gravatus*), could by a *hypothèque subsidiaire* charge the estate with a provision for his wife. In 1747 the Chancellor D'Aguesseau, after collecting the opinions of all the local parliaments on the subject, passed the Ordonnances of Orléans and Moulin, which prohibited perpetual substitutions, but permitted them for two degrees (see *Questions concernant les Substitutions*, 1770; also Pothier's *Œuvres Posthumes*, tom. v., and art. "Subs. Fidei-commissaire" in Merlin, xiii. 67). Substitutions of every kind were abolished by section 896 of the Code Napoléon, but at the same time, as was explained above, the emperor attempted to revive the system of majorats, or entails of subsidized dignities. He says his object is "non seulement d'entourer notre trône de la splendeur qui convient à sa dignité, mais encore, de nourrir au cœur de nos sujets une louable émulation, en perpétuant d'illustres souvenirs, et en conservant aux âges futurs l'image toujours présente des récompenses qui sous un gouvernement juste suivent les grands services rendus à l'état" (Imperial Decree of 1st March 1808). All the dukes, barons, counts, and chevaliers, and the others who obtained majorats, had to make the following oath:—"Je jure d'être fidèle a l'empereur et à sa dynastie, d'obéir aux constitutions, lois, et règlemens de l'empire, de servir sa majesté en bon, loyal, et fidèle sujet, et d'élever mes enfans dans les memes sentimens de fidélité et d'obéissance, et de marcher à la défense de la patrie toutes les fois que le territoire sera menacé, ou que sa majesté irait à l'armée." The estates of these majorats were subject to inspection by *agents conservateurs*. The mansion-house was to be at least 2 per cent. of the value of the estate. The later French laws relating to substitutions are those of 12th May 1835, prohibiting all future substitutions, and 7th May 1849.

It has already been pointed out that the Spanish crown was a majorat, subject to the quaint condition, *seyendo home para ello*, that the heir should be a fit and proper person. The inalienability of the domain of the sovereign (except to provide an apanage for the younger members of the reigning family) and of the greater peers was almost part of the common law of Europe (Sande, *De prob. rer. alien.*) But in Spain there was an unusual complexity of entails,—regular and irregular, substantial and habitual, &c., varying with the elements of linea, gradus, sexus, and ætas. The *linea de agnacion limitada* was equivalent to the English tail male special. The *propriedad* was not forfeited for treason, except in cases of special enormity, as when the *Communeros* rose against Charles I. A unique species of entail is the *linea de qualidad*, confined to such as obtain a certain qualification, *e.g.*, doctor, &c. There was also the singular elective entail, in which a right to choose the heir was given to some one outside the family.[2] This resembles the patron of an Italian majorat. Sir Geo. Mackenzie mentions that in the original Dundas entail a discretionary power was given to friends (*Treatise on Taillies*). Wherever a title was connected with lands, the consent of the crown was required to the creation of a majorat. The principle of succession was that at every devolution the nearest heir to the original testator should be selected (proximitas gravantis non gravati).[3] In Italy a very similar state of matters existed; the Roman phrase "quia volo ut bona mea remaneant in familia mea" seem to have become words of style.

In Portugal the *prasos de vita*, or inalienable right of primogeniture for three generations, was abolished by the Act of 19th May 1863.

Denmark still retains much more perfect entails. There the *sædegaard*, or family seat, including the *hovedgaard*, or manorial demesne, and the *bönder gods*, or portion occupied by small farmers, is frequently entailed either as (1) the *stamhuse*, a perpetual entail of both heritable and movable estate, which the crown sometimes graciously allows to be converted into money trusts, or (2) the 32 baronial fiefs all created since the establishment of absolute government in 1660, and which on failure of heirs revert to the crown.[4] Ever since the teaching of the economist Pontoppidan, followed up by the practical efforts of Bernstorff and Struensee, and in the present century by the agitation of the *Bondevenner*, or Radical Left of the Rigsdag, there has been a tendency to bring land more completely into commerce. The constitution of 1849, indeed, prohibits the creation of new entails. By Bishop Mourad's bill of 1861, drawn by the jurist Larsen, the powers of selling the entailed bönder gaarde were extended much beyond the principles of *fœstetvang*, or obligation to lease for two lives. Count Frijs and the landowners' party then began the voluntary conversion of the tenemented farms into freeholds; and in 1869 Hansen carried his expropriation bill, which prohibits new estates for life, and provides a machinery for compensation at the expiry of existing interests. In Sweden, although primogeniture and even favour to male issue is unknown, there are still entails, although no new ones can be created.

[1] Acturial formulæ for the values of interests under entails will be found in *Considerations on Pecuniary Interests, &c.*, by Spencer Thomson, Edin., 1870. For the legal principles of valuation under the Act of 1875, see case of Wilson v. De Virte, Dec. 19, 1877, in the Court of Session.

[2] Molina, *De Hispanorum Primogenitorum Origine et Natura*, 1672.

[3] The French constitution of Bayonne (1808) abolished majorats producing less than 5000 or more than 20,000 piastres.

[4] There is also the *Arve fœste*, or entailed lease to the tenant and his heirs for ever, escheating to the owner on failure of heirs, and without powers of sale or mortgage.

The old hereditary male fiefs, sanjak or beglik, *ziainet* and *timars*, originally granted by the Ottoman rulers, have now entirely disappeared. These grants were indivisible and inviolable, and formed a species of Government entail. The possessor of the beglik was in the Turkish-speaking provinces called dere-beg, lord of the valley; in the Arab districts (*e.g.*, Syria and Irak) he was called ameer, or governor. The *eraziye mirige*, or *imlak* (crown) lands, held from the crown, still require public authority for most acts of full ownership. (See the law of 7th Ramazan 1274, or 19th April 1857, which, slightly modified, forms at present the code of land title in Turkey in Europe.) It is a fundamental principle of Mahometan law that all land belongs to the sultan as the gift of God, and is therefore to be used justly.

The land-legislation of Prussia during the present century is so often quoted that this sketch would not be complete without some reference to its provisions on the subject of entails. By the 5th clause of the edict of October 9, 1807, the practice of settling estates by hereditary leases (afterwards abolished) was continued; while the 9th clause provided that feudal entails and *fidei commissa* might be unsettled by family agreement. The Prussian *fidei commissum* may be constituted in every object of property yielding annual returns without waste of substance; and so an entail of certain movables is competent. The Prussian tenant for life can let on lease, and charge the land with annuities for his daughters, and can gratuitously dispose of his life-interest. The Hessian law compels him to charge the fee with provisions to his younger sons. The sale of useless land has always been permitted, but otherwise a public Act of expropriation must be got, or a decision of the whole family council. Two next heirs in remainder may, however, by their consent give effect to an exchange. The charges to which a *fidei commissum* is subject are the debts of the founder, expenditure by the tenant for the abolition of real charges, for embankment dues, flood-rates, rebuilding, and for bringing worn-out land again into cultivation. The succession is usually limited to male persons; and monks and dishonoured persons are specially excluded. In the Rhine Provinces and many parts of North Germany, *fidei commissa* were abolished on the introduction of French law without compensation to the heirs in remainder. They were subsequently re-established, but the 38th section of the Land Rights of the German people (1848) provides—"*Fidei commissa* are to be abolished. The form and conditions of such abolition are to be determined by the legislation of each state." Distinct from *fidei commissa* there are in Germany many ancient customary entails, not usually restricted to male heirs, and terminable by agreement of the occupant with the next heir. There was also power to sell in circumstances of necessity subject to pre-emption by the next heir. Many of these estates rest on family "bye-laws."

On the whole subject see *Reports by H.M. Consuls on Systems of Land Tenure*, 1870. (W. C. S.)

ENTOMOLOGY. See INSECTS.

ENTOZOA, from ἐντός, within, and ζῷον, an animal, a name applied to internal parasites. See PARASITES.

ENTRECASTEAUX, JOSEPH-ANTOINE BRUNI D' (1739–1793), a celebrated French navigator, was born at Aix in 1739. He entered the navy at the age of fifteen. At the commencement of the war in 1778 he commanded a frigate of 32 guns, and by his clever seamanship was successful in convoying a fleet of merchant vessels from Marseilles to the Levant, although they were attacked by two pirate vessels, each of which was larger than his own ship. In 1785 he was appointed to the command of the French fleet in the East Indies; and in 1787 he was named governor of the Mauritius and the Isle of Bourbon. While in command of the East India fleet, he made a voyage to China, an achievement which led the French Government to select him to command an expedition in search of La Pérouse, of whom nothing had been heard since February 1788. Entrecasteaux failed to obtain any tidings of him, but in the course of his search he made important geographical discoveries. He traced the outlines of the eastern coast of New Caledonia, discovered many fine harbours and roadsteads on the south of Tasmania, and touched at more than 300 places on the south-west coast of New Holland. While near the island of Java he was attacked by scurvy, and died 20th July 1793. There are three narratives of his voyages:—the first by De La Billardière, Paris, 1800, the second by De Rossel, Paris, 1808, and the third by De Fréminville, Brest, 1838.

ENZIO, king of Sardinia (1225–1272), who played a great part in the conflict between the empire and the papacy in the first half of the 13th century, was one of the natural sons of the emperor Frederick II. by his mistress the beautiful Bianca Lancia. He was born at Palermo at the close of the year 1225, the same year in which his father married as his second wife Iolante of Jerusalem. His name is conjectured to be a corruption of the German "Hans." In his thirteenth year he fought by his father's side against the Lombards at the battle of Cortenuova; and in the following year (1238) the emperor, in pursuance of his determination to recover for the empire various territories claimed as fiefs of the Holy See, married Enzio to Adelasia, the widowed heiress of Sardinia and Corsica, and at the same time conferred on him the title of king of Sardinia. He also received the honour of knighthood from his father. In May 1239 he was declared vicar imperial in the north of Italy, and took command of the German and Saracen troops in the imperial army. From this time Enzio was his father's right hand in war. He at once entered the March of Ancona; and so formidable to the papacy were his achievements that the most distinguished soldier-cardinal, John of Colonna, was sent against him. Before the end of the year the pope, Gregory IX., excommunicated Frederick and his son; and a crusade against them was soon after preached. This beating of the "drum ecclesiastic," however, did not scare them from their purpose. In 1241 Enzio was entrusted with the command of the fleet, and in this post he added to his already high reputation by a victory over the Genoese. The pope having convoked a council at Rome, the prelates were flocking to it in large numbers in defiance of the emperor's remonstrances and commands. They were conveyed on board a number of Genoese galleys; and this fleet Enzio, in conjunction with the Pisans, encountered and defeated near Meloria (May 3). Three vessels were sunk and nineteen captured. Amongst the captives were three cardinal-legates, and many bishops and archbishops. The booty taken was immense, and included the vast sums of money which the notorious Cardinal Otho had just collected in England. The prelates were all taken to Naples, and were kept in close confinement, bound with silver chains in mockery. After the death of the pope (August) Enzio was sent with a large army to aid his brother Conrad, king of the Romans, against the invading Tatar hosts. By the victory won by the two brothers of the house of Hohenstauffen, near the Delphos, an affluent of the Danube, Europe and Christendom were finally delivered from the presence of these desolating hordes. Enzio was afterwards sent into Lombardy, which was for several years the scene of his chief exploits. In 1245 he was excommunicated with the emperor by Pope Innocent IV. Two years later he besieged Parma, but was compelled to retire. He soon after besieged Colonna. In 1249 he took the castle of Arola, and on this occasion he sullied his fair fame by putting to death more than a hundred Guelfs of Reggio who were taken prisoners there. At the head of the Modenese, Enzio encountered the troops of Bologna, May 26, 1249, at Fossalta, and was wounded and taken prisoner. He was consigned to perpetual imprisonment, and nothing could move his captors to abate a jot of their rigour. On one occasion he nearly succeeded in making his escape concealed in a cask, but was recognized by his golden hair. "A captive at the age of twenty-four," says Dean Milman, "this youth, of beauty equal to his bravery,—the poet, the musician, as well as the most valiant soldier and consummate captain,—pined out twenty-three years of life, if not in a squalid dungeon, in miserable inactivity." Enzio was passionately loved by Lucia Biadagioli, a high-born maiden of Bologna, who was given to him as a companion; and she made several unsuccessful attempts to restore him to freedom. He was the best-beloved son of the emperor, who would have given any sum for his ransom, and to whom the loss of him was a life-long affliction. Nor was he less idolized by his followers for his brave, honourable, and generous character as a leader in war. Enzio died in confinement at Bologna, March 14, 1272. The Bolognese gave him a magnificent funeral. His body was embalmed, robed in scarlet, and lay in state for some days wearing a golden crown and sceptre. It was then buried in the church of St Dominic, and a marble tomb was erected in memory of the hero. History, says Mr Kington (*Hist. of Frederick the Second*, vol. ii. p. 289), does not record a more sorrowful tale.

EON DE BEAUMONT, CHARLES GENEVIÈVE LOUISE AUGUSTE ANDRÉ TIMOTHÉE D' (1728–1810), commonly known as the Chevalier d'Eon, a political adventurer, was born at Tonnerre, in Burgundy, on the 5th October 1728. He was the son of an advocate of good position, and after a distinguished course of study at the Collége Mazarin, he became a doctor of law by special dispensation before the usual age, and adopted his father's profession. He commenced literary work as a contributor to Fréron's *Année Littéraire*, and attracted notice as a political writer by two works on financial and administrative questions, which he published in his twenty-fifth year. His reputation increased so rapidly that in 1755 he was, on the recommendation of the prince of Conti, entrusted by Louis XV. with a secret mission to the court of Russia. It was on this occasion that he for the first time assumed the dress of a woman, with the connivance, it is supposed, of the French court. In this disguise he obtained the appointment of reader to the empress Elizabeth, and won her over entirely to the views of his royal master, with whom he maintained a secret correspondence during the whole of his diplomatic career. After a year's absence he returned to Paris to be immediately charged with a second mission to St Petersburg, in which he figured in his true sex, and as brother of the reader who had been at the Russian court the year before. He played an important part in the negotiations between the courts of Russia, Austria, and France during the Seven Years' War. For these diplomatic services he was rewarded with the decoration of the grand cross of St Louis. In 1759 he served with the French army on the Rhine as aide-de-camp to the Marshal de Broglie, and was wounded during the campaign. He had held for some years previously a commission in a regiment of dragoons, and was distinguished for his skill in military exercises, particularly in fencing. In 1762, on the return of the Duc de Nivernais, Eon, who had been secretary to his embassy, was appointed his successor, first as resident agent and then as minister plenipotentiary at the court of Great Britain. He had not been long in this position when he lost the favour of his sovereign, chiefly, according to his own account, through the adverse influence of Madame de Pompadour, who was jealous of him as a secret correspondent of the king. Superseded by Count Guerchy, Eon showed his irritation by denying the genuineness of the letter of appointment, and by raising an action against Guerchy for an attempt to poison him. Guerchy, on the other hand, had previously commenced an action against Eon for libel, founded on the publication by the latter of certain state documents of which he had possession in his official capacity. Both parties succeeded in so far as a true bill was found against Guerchy for the attempt to murder, though by pleading his privilege as ambassador he escaped a trial, and Eon was found guilty of the libel. Failing to come up for judgment when called on, he was outlawed. For some years afterwards he lived in obscurity, appearing in public chiefly at fencing matches. During this period rumours as to the sex of Eon, originating probably in the story of his first residence at St Petersburg as a female, began to excite public interest. Bets were frequently laid on the subject, and an action raised before Lord Mansfield in 1777 for the recovery of one of these bets brought the question to a judicial decision, by which Eon was declared a female. A month after the trial he returned to France, having received permission to do so as the result of negotiations in which Beaumarchais was employed as agent. The conditions were that he was to deliver up certain state documents in his possession, and to wear the dress of a female. The reason for the latter of these stipulations has never been clearly explained, but he complied with it to the close of his life. In 1784 he received permission to visit London for the purpose of bringing back his library and other property. He did not, however, return to France, though after the Revolution he sent a letter, using the name of Madame d'Eon, in which he offered to serve in the republican army. He died in London on the 22d May 1810. During the closing years of his life he is said to have enjoyed a small pension from George III. A post-mortem examination of the body conclusively established the fact that Eon was a man.

EÖTVÖS, JÓZSEF, BARON (1813–1871), a distinguished Hungarian statesman, author, poet, and orator, was born at Buda on the 3d September 1813. He was educated partly at his father's estate at Ercsi, in the megye or county of Székesfehérvár (Stuhlweissenburg), and partly in Buda, where also he studied law and philosophy from 1826–31. As early as 1830, Eötvös commenced his literary career by a translation of Goethe's *Goetz von Berlichingen*, followed shortly afterwards by two original comedies and a tragedy *Boszú* (*Revenge*), which showed a singular beauty of style. In 1833, after having passed the requisite examinations at Pozsony (Pressburg), he began at the early age of twenty his official career as a vice-notary, which position he held for two years. He then went to Vienna, where he was employed at the Hungarian chancellory; here, however, he only remained for a short time. In 1836 he commenced a long journey with the object of visiting the chief towns of Germany, Holland, France, and England, and did not return to Hungary before 1837. Shortly after this he was appointed to a seat in the district court of justice at Eperies, which office he soon resigned, withdrawing to his grandfather's estate at Sályi, where for some time he devoted himself to literary studies. His dramatic works had meanwhile attracted the attention of the Kisfaludy society, of which learned body he was elected a member in the year 1835. But he reached the zenith of his fame as an author in the year 1838, when his novel *Karthausi* (*The Carthusian*) appeared in the celebrated *Árvizkönyv* (*Inundation-Book*), of which he was himself the editor, and which