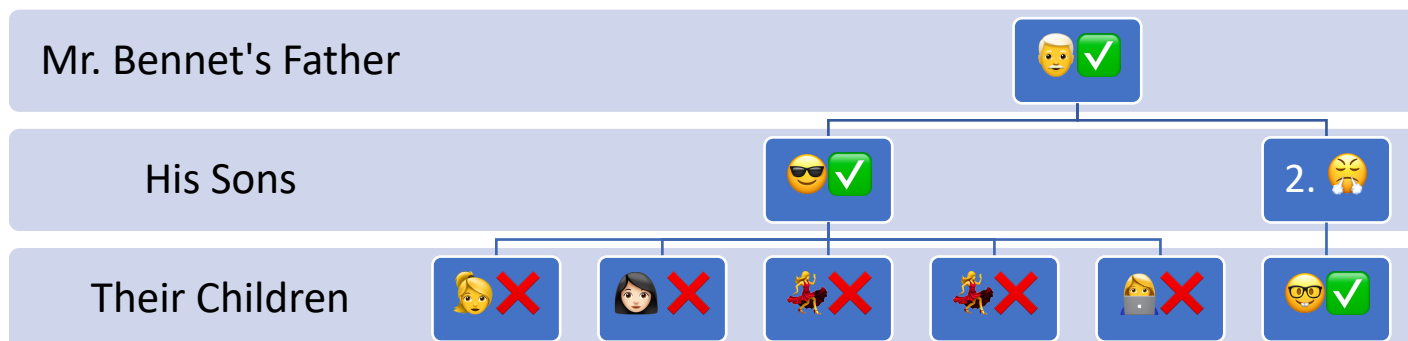


# Context Corner I: Entailment 101

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“How any one could have the conscience to entail away an estate from one’s own daughters I cannot understand; and all for the sake of Mr. Collins too!—Why should *he* have it more than anybody else” (128)?



## Key Terms

<b>Entailment</b>	A system of inheritance through which land and property can remain in the same family for multiple generations
<b>Strict Settlement</b>	The legal device through which landowners created the entail and avoided common law rules of succession. This was also a way to provide for younger sons and daughters.
<b>Primogeniture</b>	The common law right by which the eldest son inherited all real property. If no sons, then daughters inherit equally (see Springer 9-10).

## Two Common Types of Fee Tails

Fee Tail General	Fee Tail Male
<ul style="list-style-type: none"> <li>Real estate can only be inherited by biological heirs (including daughters)</li> <li>“I see no occasion for entailing estates from the female line.—It was not thought necessary in Sir Lewis de Bourgh’s family.” - Lady Catherine</li> </ul>	<ul style="list-style-type: none"> <li>“a frequent common-law arrangement which ensured that only males could inherit” (<i>P&amp;P</i>, 385)</li> <li>Daughters were excluded in order to (1) protect them from fortune hunters (see Redmond), and (2) preserve the patriline.</li> <li>Most agree that Longbourn was entailed in fee tail male.</li> </ul>

### Land in *Pride and Prejudice*

- “Mr. Bennet’s property consisted almost entirely in an estate of two thousand a year, which, unfortunately for his daughters was entailed in default of heirs male, on a distant relation...” (29).
- “When first Mr. Bennet had married, economy was held to be perfectly useless; for, of course, they were to have a son. This son was to join in cutting off the entail, as soon as he should be of age, and the widow and younger children would by that means be provided for. Five daughters successively entered the world, but yet the son was to come...” (292).
- **Life Tenant** = Mr. Bennet
  - No power to change the entail, mortgage the property, or make any permanent changes
- **Tenant in Tail** = the next male heir (presumably Mr. B’s unborn son)
  - Would be able to **bar the entail** after his father died; alternatively, he would have the power to make his father the tenant in tail so that they could disentail the estate together.

### Mr. Collins’s Feigned Apology

Mr. Collins’s letter: “...on these grounds I flatter myself that my present overtures of good-will are highly commendable, and that the circumstance of my being next in the entail of Longbourn estate, will be kindly overlooked on your side, and not lead you to reject the offered olive branch” (62).

Elizabeth’s response: “He must be an oddity...I cannot make him out.—There is something very pompous in his stile.—And what can he mean by apologizing for being next in the entail?—We cannot suppose that he would help it, if he could.—Can he be a sensible man, sir?” (62).

Also see pgs. 64, 104, 128 for more on Mr. Collins’s (and Charlotte’s) connection to entailment.

### Recommended Reading

- Appel, Peter A. “A Funhouse Mirror of Law: The Entailment in Jane Austen’s *Pride and Prejudice*.” *George Journal of International and Comparative Law*, 2013, vol. 41, no. 1, pp. 609-636.
- Grover, Christine. “Edward Knight’s Inheritance: The Chawton, Godmersham, and Winchester Estates.” *Persuasions*. Jane Austen Society of North America, 2013, vo. 34, no. 1.
- Macpherson, Sandra. “Rent to Own; or, What’s Entailed in *Pride and Prejudice*.” *Representations*, 2003, vol. 82, no. 1, pp. 1-23.
- Redmond, Luanne Bethke. “Land, Law and Love.” *Persuasions*. Jane Austen Society of North America, 1989, vol. 11, no. 1.
- Spring, Eileen. *Law, Land, & Family: Aristocratic Inheritance in England, 1300-1800*. UNC Press, 1993.

## Discussion Questions:

1. To what might we attribute Austen's pointed interest throughout her novels in inheritance strategies and the legal disabilities of female and certain male heirs?
2. Mrs. Bennet, who comes from a family of lawyers, is often derided for her absurd and embarrassing attempts to ensure her daughters' future marriages. How does entailment complicate depictions of Mrs. Bennet? Could she be the better, more responsible parent in the novel? What leeway does Austen give the reader to sympathize with Mrs. Bennet's plight?
3. Mr. Bennet describes the entailment of his own estate as "a most iniquitous affair" and states that "nothing can clear Mr. Collins from the guilt of inheriting Longbourn" (61). How can we characterize Mr. Bennet's attitude toward his family's future posterity? Is he distressed like Mrs. Bennet, simply dejected, or altogether indifferent?
4. A vexed Mrs. Bennet complains to Mr. Bennet, "How any one could have the conscience to entail away an estate from one's own daughters I cannot understand; and all for the sake of Mr. Collins too!—Why should *he* have it more than anybody else" (128)? Beyond Mrs. Bennet's inaccurate understanding of entailment, there is a poignancy to the dialogue. To whom does the italicized *he* refer? Does it signify Mr. Collins, in particular, or is Austen using this dialogue as a bit of social commentary to refer to the system of primogeniture and fee tail male?
5. In chapter 29, Lady Catherine gives Elizabeth, Charlotte, and Mr. Collins her unasked-for opinion on entailment. She says, "I see no occasion for entailing estates from the female line.—It was not necessary in Sir Lewis de Bourgh's family" (161). Does this statement improve our opinion of Lady Catherine at all? How does Austen convey her own sentiments about the system of entailment?
6. Elizabeth calls Mr. Collins an "oddity" after reading his "pompous" letter in which he apologizes for "being next in the entail" (62). It would be absurd for someone in Mr. Collins's position to do anything but accept the terms of the entailment—or, Elizabeth ponders, "Can he be a sensible man" (63)? In this case, sensibility aligns with being an "oddity" and going against social norms. How can we understand Elizabeth's *odd* understanding of sensibility?
7. Taken as a whole, what does the novel suggest about the law's relationship to the family dynamic and the courtship process? What do the numerous references to inheritance and yearly income indicate about how England's upper classes defined themselves and others in the period?
8. How do various adaptations reconfigure the English system of entailment?