

Keilw. 104. b.
124, 125.

2 Inst. 292.

‘summon his Warranty, as before hath been done in
‘Cases where the Warrantor cometh into the Court,
‘saying, That nothing descended from him by whose
‘Deed he is vouched. (4) And in like Manner the
‘Issue of the Son shall recover by Writ of *Cofnage*,
‘*Aiel*, and *Besaiel*. (5) Likewise in like Manner the
‘Heir of the Wife shall not be barred of his Action
‘after the Death of his Father and Mother, by the
‘Deed of his Father, if he demand by Action the In-
‘heritance of his Mother by a Writ of Entry, which
‘his Father did aliene in the Time of his Mother,
‘whereof no Fine is levied in the King’s Court.’

Ex Rot. in Turr. Lond.

du de lui par qui fet il est vouche. En mesme la
manere le issue del fiz par bref del ael cosin e del
besael. Ensement en mesme la manere ne fait le
hier la femme apres la mort le pere e le mere barre
de action par le chartre sun pere si il demaunde le
heritage ou le mariage la mere par bref de entre qe
sun pere en tens fa mere aliena dunt nule fin est le-
vee en la Curt le Rey.

C A P. IV.

In what Case a *Cessavit* is maintainable against a Tenant in Fee-farm.

7 H. 8. f. 28.
Fitz. Resceit,
96, 105.
Fitz. Scire fac’,
154.
Kel. f. 75, 132.
Fitz. Cessavit,
2, 10, 12, 19,
20, 23, 25, 27,
29, 32, 38, 39,
49, 52, 53, 56.
Rast. pla. f. 111.
The Tenant
payeth the Ar-
rearages, and
findeth Surety.

Regist. 237.
2 Inst. 205.
Enforced and ex-
tended by 13 Ed.
1. stat. 1. c. 21.
41. & 10 Ed. 2:

‘ALSO if a Man let his Land to Ferm, or to
‘find Estovers, in Meat or in Cloth, amounting
‘to the Fourth Part of the very Value of the Land,
‘and he which holdeh the Land so charged letteth it
‘lie fresh, so that the Party can find no Distress there
‘by the Space of Two or Three Years to compel the
‘Farmor to render, or to do as is contained in the
‘Writing or Lease; (2) it is established, that the Two
‘Years being passed, the Lessor shall have an Action
‘to demand the Land in demean by a Writ which he
‘shall have out of the Chancery. (3) And if he
‘against whom the Land is demanded come before
‘Judgement, and pay the Arrearages and the Dama-
‘ges, and find Surety (such as the Court shall think
‘sufficient) to pay from thenceforth as is contained in
‘the Writing of his Lease, he shall keep the Land.
‘(4) And if he tarry until it be recovered by Judge-
‘ment, he shall be barred for ever.’

‘ENSEMENT si home lest sa terre a fee ferme ou a
‘trouver estovers en vivre en vesture qe munte
‘a la quarte partie de la verri value de la terre e celui
‘qi tient la terre issint charge la lessé gisir frische issi
‘qe lem ne pusse trover destresse par deus anns ou
‘treis faunz ent fere la ferme rendre ou faunz fere
‘ceo que est contenu en lescrit del les establi est qe
‘apres les deus anns passez eit le lessour actionun a
‘demaander la terre en demeine par bref qe il avera
‘en le Chauncelrie. E si celui vers qi la terre est
‘demaunde veigne avaunt jugement e rende les ar-
‘rerages e les damages e trove seurte tele com la cort
‘verra qe fait suffesaunte a rendre en apres ceo qe est
‘contenu en le escrit si retiegne la terre. E si il de-
‘moert desqe taunt qe ele soit recovre par jugement
‘si fait encorue a remanaunt.

C A P. V.

Several Tenants against whom an Action of Waste is maintainable.

Dyer 25.
Fitz. Wast, 62,
117, 146.
Bro. Parl. 17.
Fitz. Judgment,
85, 134, 255.
Fitz. Damage,
7, 22, 42, 52,
90, 114, 133.
Co. Init. 53. b.
54. b. 200. b.
355. b.
1 Roll. 91, 97,
156.
Rast. 689, &c.
Savill 42.
9 H. 3. stat. 1.
c. 4. 52 H. 3.
c. 23.

Regist. 72.

2 Inst. 299.

See farther 13 Ed. 1, 14, & 22. 20 Ed. 1. stat. 2. and 11 H. 6. c. 5. against whom Action of Waste is maintainable.

‘IT is provided also, That a Man from henceforth
‘shall have a Writ of Waste in the Chancery
‘against him that holdeth by Law of *England*, or other-
‘wise for Term of Life, or for Term of Years, or a
‘Woman in Dower. (2) And he which shall be at-
‘tainted of Waste, shall leese the Thing that he hath
‘wasted, and moreover shall recompense thrice so
‘much as the Waste shall be taxed at. (3) And for
‘Waste made in the Time of Wardship it shall be
‘done as is contained in the Great Charter. (4) And
‘where it is contained in the Great Charter, that he
‘which did waste during the Custody, shall leese the
‘Wardship, (5) it is agreed that he shall recom-
‘pense the Heir his Damages for the Waste, if so be
‘that the Wardship lost do not amount to the Value
‘of the Damages before the Age of the Heir of the
‘same Wardship.’

‘ENSEMENT purveu est qe lem eit desoremes bref
‘de Wast en la chauncelrie fait de ceo sur
‘home qi tient par la lei de Engleterre ou en autre
‘manere a terme de vie ou a terme de annz ou
‘femme en doweire: e celui qui serra atteint de wast
‘perde la chose qil ad wastee e estre ceo face gre del
‘trebble de ceo qe le wast serra taxe. E endroit de
‘wast fet en garde fait fait solom ceo qe il est con-
‘tenu en la graunt chartre. E par la ou il est con-
‘tenu en la graunt chartre qe celui qi avera fet wast
‘en garde perde la garde Acorde est qe il rende il
‘heir les damages del wast si issi ne fait qe la garde
‘perdue ne suffice my a la value des damages avaunt
‘le age del heir de mesme la garde.

C A P. VI.

Where divers Heirs shall have one Assise of Mortdauncestor.

Fitz. Joinder
in Act, 11, 31,
34, 35, 36.
Co. Init. 164. a.

2 Inst. 307.

See 13 Ed. 1. c. 20. where in Writ of Cofnage, &c. Tenant may plead that Plaintiff is not next Heir.

‘IT is provided also, That if a Man die, having
‘many Heirs, of whom one is Son or Daughter,
‘Brother or Sister, Nephew or Niece, and the other
‘be of a further Degree, all the Heirs shall recover
‘from henceforth by a Writ of *Mortdauncestor*.’

‘PURVEU est ensement qe si home moert & eit plu-
‘surs heirs dunt le un est fiz ou fillie frere ou
‘soer nevewe ou nece e les autres soient en plus loin-
‘teing degre les heirs eient desoremes recoverer par
‘bref de la chauncelrie de mort de auncestre.