

8 Co. 56. 59. a.  
4 E. 2. Wast 11. 17 E. 3. 7.  
Post 314. a.  
Moor 358. 363.  
1 Co. 128. Post 276. a.

Post 47. a. F.N.B. 169. h.  
19 H. 6. 7 H. 4. 32.  
6 E. 3. 17. 7 E. 3. 66.  
18 E. 3. 60. 23 E. 3. c. 1. &c.  
21 H. 4. 46. 38 E. 3. 23. 24.

the Words of a Deed, or of the Parties without Deed, may have a double Intendment, and the one standeth with Law and Right, and the other is wrongful and against Law, the Intendment that standeth with Law shall be taken.

Secondly, The Law more respecteth a lesser Estate by Right, than a larger Estate by Wrong; as if a Tenant for Life in Remainder disseise Tenant for Life, now he hath a Fee-simple; but if Tenant for Life die, now is his wrongful Estate in Fee by Judgment in Law changed to a rightful Estate for Life.

If a Man retain a Servant generally without expressing any Time, the Law shall construe it to be of one Year, for that Retainer is according to Law. Vide 23 E. 3. cap. 21, &c. To shut up this Point it hath been adjudged, That where Tenant in Tail made a Lease to another for Term of Life generally, and after released to the Lessee and his Heirs; albeit between the Tenant in Tail and him a Fee-simple passed, yet after the Death of the Lessee, the Entry of the Issue in Tail was lawful; which could not be, if it had been a Lease for the Life of the Lessee; for then by the Release it had been a Discontinuance executed. But let us now return to Littleton.

## Sect. 57.

**T**his and the Rest that follow in this Chapter concerning the Description of the Feoffor and Feoffee, Donor and Donee, and Lessor and Lessee are evident.

*Et est ascavoir que il y ad le Feoffor & le Feoffee, &c.*  
Vi. Sect. 2. where a light Touch is given who may purchase; now somewhat is to be said, who have Ability to infeoff, &c. and may be a Feoffor, Donor, Lessor, &c. Whosoever is disabled by the Common Law to take, is disabled to infeoff, &c. But many that have Capacity to take, have no Ability to infeoff, &c. As Men attainted of Treason, Felony, or of a Præmunire, Aliens born, the King's Villains, Traitors, Felons, &c. he that hath offended against the Statutes of Præmunire, after the Offences committed, if Attainders ensue, Ideots, Madmen, a Man deaf, dumb, and blind from his Nativity, a Feme Covert, an Infant, a Man by Dures; for the Feoffments, &c. of these may be avoided. But an Heretick, though he be convicted of Heresy, a Leper removed by the King's Writ from the Society of Men, Bastards, a Man deaf, dumb, or blind, so that he hath Understanding and sound Memory, albeit he express his Intention by Signs, Villain of a common

*Et est ascavoir que il y ad le Feoffor & le Feoffee, Donor & le Donee, le Lessor & le Lessee. Le Feoffor est properment l'ou home enseoffia un autre en aucuns terres ou tenements en Fee-simple, celui que fist le feoffment est appel feoffor, & celui a que le feoffment est fait, est appel feoffee. Et le Donor est properment l'ou un home done certaine terres ou tenements a un autre en le taile, celui que fist le done est appel le Donor, & celui a que le done est fait est appel le Donee. Et le Lessor est properment l'ou un home lessa a un autre certain terres ou tenements pur terme de vie, ou pur terme des ans, ou a tener a volent; celui que fist le leas est appel les-*

**A**ND it is to be understood, that there is Feoffor and Feoffee, Donor and Donee, Lessor and Lessee. Feoffor is properly where a Man enseoffs another in any Lands or Tenements in Fee-simple, he which maketh the Feoffment is called the Feoffor, and he, to whom the Feoffment is made, is called the Feoffee. And the Donor is properly where a Man giveth certain Lands or Tenements to another in Tail, he which maketh the Gift, is called the Donor, and he to whom the Gift is made, is called the Donee. And the Lessor is properly where a Man letteth to another Lands or Tenements for Term of Life or for Term of Years, or to hold at Will: He which maketh the Lease is called Lessor,

Britton, fo. 88. Fleta, lib. 3. cap. 3.

Ante 3. b. 8. b.

2 H. 4. cap. 7. which is repealed. Doct. and Stud. lib. 2. cap. 29.