

Lib. I. Cap. X. Of Tenant per le Verge. Sect. 82.

common ley, ils sont appellees Tenants per base tenure. of the Common Law, they are called Tenants by base Tenure.

¶ Ils sont appellees tenants per base tenure. Of this sufficiently hath been spoken before.

Sect. 82.

4 Co. 31.

¶ **T**enant a volunt solonque le custome puit aver estate denheritance, &c. Here note, that Littleton alloweth that by the Custom of the Manor, the Coppholder hath an Inheritance, and consequently the Lord cannot put him out without Cause.

9 Co. 75.

¶ Mes si home, &c. voile lessor terres ou tenements a un autre a aver & tener a luy & ses heires a volunt le lessor ceux parols (a les heires de le lessee) sont voides, car en cest case si le lessee devie, & son heire enter le lessor avera action de trespass envers luy, &c. By which it is proved that by the Death of the Lessee, the Lease is absolutely determined, which is proved by this, that if the Heir enter the Lessor shall have an Action of Trespass, quare vi & armis, before any Entry made by the Lessor.

8 Co. 99.
Sid. 347.
10 E. 4. 18. 22 E. 4. 13.
2 R. 2. Barre 237.
11 H. 7. 22.
21 H. 7. 12.

† Supra 55. a.

¶ **E**t divers diversities y sont perenter tenant a volunt, que est eings per lease son lessor per le course del common ley, & tenant solonque le custome del manor en le forme avantdit, Car t a volut solonque le custome puit aver estate denheritance (come est avantdit) al volunt le seignior solonque le custome & usage del manor. Mes si home ad terres ou Tenements, queux ne sont deins tiel manor ou Seigniorie, ou tiel custome ad esse use en le forme avantdit, & voile lessor tiels terres ou tenements a un autre, a aver & tener a luy & a ses heires a le volunt le lessor, ceux parols (a les heires de le lessee) sont voids. Car en cest Case si le lessee devie & son heire enter, le lessor avera bon action de trespass envers luy, mes nemy ilint envers l'heire le tenant per le custome en aucun cas, &c. pur ceo que le custome de le manor en aucun cas luy puit aider de barrer son seignior en action de trespass, &c.

¶ **A**ND there are divers Diversities between Tenant at Will, which is in by Lease of his Lessor by the Course of the Common Law, and Tenant according to the Custom of the Manor in Form aforesaid. For Tenant at Will, according to the Custom may have an Estate of Inheritance (as is aforesaid) at the Will of the Lord, according to the Custom and Usage of the Manor. But if a Man hath Lands or Tenements which be not within such a Manor or Lordship where such a Custom hath been used in Form aforesaid, and will let such Lands or Tenements to another, to have and to hold to him and to his Heirs, at the Will of the Lessor, these Words (to the Heirs of the Lessee) are void. For in this Case if the Lessee dieth, and his Heir enter, the Lessor shall have a good Action of Trespass against him, but not so against the Heir of Tenant by the Custom in any Case, &c. for that the Custom of the Manor in some Case may aid him to bar his Lord in an Action of Trespass, &c.

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