

de tenants a terme de vie. Si come deux joyntenants sont en fee, & lun lessa a un home ces que a luy assiert pur terme de vie, & l'auter Joyntenant lessa ceo que a luy assiert a un auter pur terme de vie, &c. les deux Lessees sont Tenants en common pur leur vies, &c.

manner may it be of Tenants for Term of Life. As if two Jointenants be in Fee, and the one letteth to one Man that which to him belongeth for Term of Life, and the other Jointenant letteth that which to him belongeth to another for Term of Life, &c. the said two Lessees are Tenants in Common for their Lives, &c.

Vid. Sect. 295. Where this is sufficiently explained before.

Sect. 301.

Item, si home lessa terres a deux homes pur terme de leur vies, & lun granta tout son estate de ceo que a luy assiert a un auter donques l'auter tenant a terme de vie, & celui a que le graunt est fait sont Tenants en common, durant le temps que ambideux les lessees sont en vie.

Et memorandum, que en tous autres tiels cases, coment que ne sont icy expressement moves ou specifies, si sont e semblable reason, sont en semblable ley.

Also, if a Man let Lands to two Men for Term of their Lives, and the one grants all his Estate of that which belongeth to him to another, then the other Tenant for Term of Life, and he to whom the Grant is made are Tenants in Common during the Time that both the Lessees be alive.

And memorandum, that in all other such like Cases, although it be not here expressly moved or specified, if they be in like Reason, they are in the like Law.

wheresoever there is the like Reason, there is the like Law, Ubi eadem ratio, ibi idem jus esse debet, for Ratio est anima legis. And therefore Ratio potest allegari deficiente lege. But it must be Ratio vera & legalis, & non apparens. And here it appeareth that Argumentum a simili is good in Law; Sed similitudo legalis est casuum diversorum inter se collatorum similis ratio, quod in uno similium valet, valebit in altero, dissimilium dissimilis est ratio.

AND so it is if Lands be letten to two for Term of their Lives, Et eorum alterius diutius viventi, and one of them granteth his Part to a Stranger, whereby the Jointure is severed, and dieth, here shall be no Survivor, but the Lessee shall enter into the Moiety, and the Survivor shall have no Advantage of these Words, Et eorum alterius diutius viventi, for two Causes: First, For that the Jointure is severed. Secondly, For that those Words are no more than the Common Law would have implied without them, and Expressio eorum quae tacite insunt nihil operatur. Whereby it appeareth, that in Case of Leases for Life it is more beneficial for the Lessor to have the Jointure severed, than to have it continue.

Si sont en semblable reason sont en semblable ley. Here Littleton citeth one of the Maxims of the Common Law, That

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2 Roll. 89, 90.
1 Co. 84. b.

2 Cro. 378, 417, 696.

Post 201. b. 205. a. 219. b.
Hob 170, 208.

Vide Sect. 1.