

enter eux, en cest cas
ils ont estate pur term
de leur deux vies sur
condition en ley, &
si un de eux devie,
ou que divorce soit
fait enter eux, donqs
bien liroit a le Les-
sor & a ses heires den-
trer, &c.

the Coverture between
them; in this Case they
have an Estate for Term
of their two Lives upon
Condition in Law, viz. if
one of them die, or that
there be a Divorce be-
tween them, then it shall
be lawful for the Lessor
and his Heirs to enter, &c.

Law createth the same
without any express Words.

Dum also maketh a Li-
mitation; as if a Lease be
made, Dum sola fuerit, or
Dum sola & casta vixerit.
Dummodo is also a Word
of Limitation, as, Dum-
modo solverit talem reddi-
tum. Quamdiu also is a
Word of Limitation; for
if a Man grant a Rent
out of the Manor of D.

37 H. 6. 27.
Plowd. 242. 2.
Vaugh. 32.

14 E. 2. Grants 92.
37 H. 6. 27.

be dwelling upon the Manor, this is good; or Quamdiu se bene gesserit.

And so be these Words; Donec, Quousque, Ulque ad, Tam diu, Ubicunque.

¶ *Si lun de eux devie, &c.* For if one of them die, the Coverture is dissolved,
and consequently the Estate determined by the Limitation.

¶ *Ou que divorce soit fait enter eux, &c.* Here is a Distinction to be under-
stood: For there be two Kinds of Divorces, viz. one, a vinculo matrimonii * and the other,
a mensa & thoro. Divortium dicitur a divertendo, or divortendo, quia vir divertitur ab uxore.
Divorces a vinculo matrimonii are these: Causa Præcontractus, Causa Metus, Causa Impoten-
tie seu Frigiditatis, Causa Affinitatis, Causa Consanguinitatis, &c. And I read in an ancient
Record, Coram Rege, Termino Pasch. 30 E. 1. William de Chadworth's Case, that he was
divorced from his Wife, for that he did carnally know her Daughter before he married the Wo-
man; all which are Causes of Divorce preceding the Marriage.

A mensa & Thoro, as Causa Adulterii, which dissolveth not the Marriage a vinculo Matri-
monii, for it is subsequent to the Marriage. And the Divorce that Littleton here speaketh of is
intended such Divorces as dissolve the Marriage a vinculo matrimonii, and maketh the Issue
Bastard, because they were not Justæ nuptiæ. And therefore in Littleton's Case, though the
Husband and Wife be divorced Causa Adulterii, yet the Freehold continueth, because the Co-
verture continueth. And it is further to be understood, that many Divorces that were of Force
by the Common Law, when Littleton wrote, are not at this Day in Force; for by the Sta-
tute of 32 H. 8. c. 38. it is declared, that all Persons be lawful (that is, may lawfully marry)
that be not prohibited by God's Law to marry; that is to say, that be not prohibited by the
Levitical Degrees.

A Man married the Daughter of the Sister of his first Wife, and was drawn in Question
in the Ecclesiastical Court for this Marriage, alledging the same to be against the Canons:
And it was resolved [a] by the Court of Common Pleas, upon Consideration had of the said
Statute, that the Marriage could not be impeached, for that the same was declared by the said
Act of Parliament to be good, inasmuch as it was not prohibited by the Levitical Degrees;
& sic de similibus.

10 Aff. 4. 3 E. 3. 18.
Annuity 40. 19 H. 6. 54.
Temps E. 1. Annuity 150.
26 E. 3. 69. 7 E. 4. 16.
9 E. 4. 25, 26. 9 H. 6. 39.
14 H. 8. 13.
* 47 E. 3. 27. 39 E. 3. 32.
23. 11 H. 4. 14, 76.
Bastard, fo. 298.
18 E. 4. 28. 24 H. 8.
Bastards.
Br. 44. 39 E. 1.
Bastards 21. 22 E. 4. tit.
Consult. 5. 6 E. 3. 249.
2 E. 3. 39. 5 Co. 98.
(*) Vide Sect. 399.
32 H. 8. cap. 38.
Cro. Car. 463.
2 Inst. 684. Mo. 907.
Vaugh. 221, 319, 321.

[a] Trin. 2 Jac. Rot.
1032.
Richard Parson's Case.
Ante 23, 33.

Sect. 381.

¶ *Et que ils ont estate pur
terme de leur deux vies,
Probatur sic, chescun home que ad
estate de franktenement en ascun
terres ou tenements, ou il ad e-
state en fee, ou en fee tail, ou pur
terme de sa vie demesne, ou pur
terme dauter vie, & per tiel lease
ils ont franktenement, mes ils
nont per cest grant fee, ne fee tail,
ne pur terme dauter vie, Ergo ils
ont estate pur terme de leur vies,
mes ceo est sur condition en ley,
en le forme avantdit, & en cest*

AND that they have an Estate
for Term of their two Lives, is
proved thus; every Man that hath
an Estate of Freehold in any Lands
or Tenements, either he hath an
Estate in Fee, or in Fee-Tail, or for
Term of his own Life, or for Term
of another Man's Life, and by such
a Lease they have a Freehold: But
they have not by this Grant, Fee,
nor Fee-tail, nor for Term of ano-
ther's Life, Ergo they have an Estate
for Term of their own Lives; but
this is upon Condition in Law in
cas