

Thirdly, By affirming the Reversion or Remainder to be in a Stranger, and that either actively or passively. Actively by five manner of Ways: As first, if Tenant for Life pray in Aid of a Stranger, whereby he affirms the Reversion to be in him. Secondly, If he attorn to the Grant of a Stranger; and there note also a Diversity between an Attornment of Record to a Stranger, and an Attornment in pais; for an Attornment in pais worketh no Forfeiture. Thirdly, If a Stranger bring a Writ of Entry in casu proviso, and suppose the Reversion to be in him, if the Tenant for Life confess the Action, this is a Forfeiture. Fourthly, If Tenant for Life plead covinously to the Disheison of him in the Reversion, this is a Forfeiture. Fifthly, If a Stranger bring an Action of Waste against the Lessee for Life, and he plead Nul waste fait, this is a Forfeiture, or the like.

Passively, As if Tenant for Life accept a Fine of a Stranger, Sur conusans de droit come ceo, &c. for hereby he affirms of Record the Reversion to be in a Stranger.

Littleton here speaketh of the Forfeiture of an Estate; and it is to be known, that the Right of a particular Estate may be forfeited, and he that hath but a Right of a Remainder or Reversion, shall take Benefit of the Forfeiture. As if Tenant for Life be disseised, and he levy a Fine to the Disseisor, he in the Reversion or Remainder shall presently enter upon the Disseisor for the Forfeiture. And so it is, if the Lessee after the Disseisin had levied a Fine to a Stranger, though to some Respects, Partes finis nihil habuerunt, yet it is a Forfeiture of his Right.

Littleton here speaketh of an Alienation in Fee absolutely; but so it is, if the Lessee for Life make a Lease for any other Man's Life, or a Gift in Tail. If A. be Tenant for Life, and make a Lease to B. for his Life, and B. dieth, and the Lessee re-entreteth, yet the forfeiture remaineth.

If a Tenant for Life make a Lease for Life, or a Gift in Tail, or a Feoffment in Fee, upon Condition, and entreteth for the Condition broken, yet the forfeiture remaineth; Littleton speaketh of an Estate for Life, so it is of Tenant in Tail apres possibility, Tenant by the Curtesy, Tenant in Dower, or of him that hath an Estate to him and his heirs during the Life of J. S. &c. and so of Tenant for Years, Tenant by Statute-Merchant, Statute-Staple, or Elegit.

Littleton saith, That where the Alienation in Fee is made to another, which must be intended a Stranger, for if it be made to him in Reversion or Remainder, it amounts to a Surrender of his Estate, as at large hath been spoken in the Chapter of Tenant for Life.

By Littleton it appeareth, That Tenant for Life in Remainder may enter for the forfeiture of the first Tenant for Life, and that if the Tenant for Life in Remainder make Continual Claim, and the Alienee die seised, then may he in the Remainder for Life enter; and if he die before he do enter, then he in the Remainder in Fee shall enter, because he in the Remainder in Fee could not make any Claim: And therefore the Right of Entry, which Tenant for Life in Remainder gained by his Entry, shall go to him in the Remainder in Fee, in respect of the Privy of Estate: And so it is of him in the Reversion in Fee in like Case, for he is also privy in Estate.

If two Jointenants be disseised, and the one of them make a continual Claim, and dieth, the Survivor shall take Benefit of his continual Claim, in respect of the Privy of their Estate.

But if Tenant for Life make continual Claim, this shall not give any Benefit to him in the Remainder, unless the Disseisor died in the Life of Tenant for Life, for the Cause above-said, Sect. 414.

If Tenant in Tail, the Remainder in Fee with Warranty, have Judgment to recover in Value, and dieth before Execution without Issue, he in the Remainder shall sue Execution; for he hath Right thereunto, and is privy in Estate.

In the same manner, if a Seignior be granted by Fine to one for Life, the Remainder in Fee, the Grantee for Life dieth, he in the Remainder shall have a Per quæ servitia; for he hath Right to the Remainder, and is privy in Estate. Here also it appeareth, that none can make continual Claim, but he that hath Right to enter.

Sect. 417.

MES est a veier a toy (mō fits) comēt & en qī maner tiel Continual Claim serra fait, & ceo bien apprende trois choses sont a intender. La 1. chose

BUT it is to be seen of thee (my Son) how and in what manner such Continual Claim shall be made; and to learn this well, three Things are to be understood. The first

SI home ad cause d'entrer en ascuns

terres ou tenements, &c. It is not sufficient to tell one generally what he should do, but to direct him how, and in what manner he shall do it, as Littleton doth in this Place. And here, the general Rules of our Authoz are to be understood.

Plowd. 250. a.
Vide 2 Inst. 13.
3 Co. 91. a.