

CAP. V.

Several Tenants against whom an Action of Waste is maintainable.

It is provided also, That a man from henceforth shall have a Writ of Waste in the Chancery against him that holdeth by Law of *England*, or otherwise for Term of Life, or for Term of Years, or a Woman in Dower. (2) And he which shall be attainted of Waste, shall leese the thing **84** *that he hath wasted, and moreover shall recompense thrice so much as the Waste shall be taxed at. (3) And for Waste made in the time of Wardship, it shall be done as is contained in the Great Charter. (4) And where it is contained in the Great Charter, that he which did waste during the Custody, shall leese the Wardship, (5) it is agreed that he shall recompense the Heir his Damages for the Waste, if so be that the Wardship lost do not amount to the Value of the Damages before the Age of the Heir of the same Wardship.

Ensement est purview, que home eit desormes briefe de wast en le chancery vers home que tient per le ley Dengleterre, ou en auter maner a terme de vie, ou des ans, ou feme, que tient en dower. Et celuy que serra attainit de waste, perde le chose que il aver' waste, & ouster ceo que face gree del treble de ceo que le waste serra taxe. Et en waste fait in gard', soit fait solongue ceo que contenue est en le grand charter. Et per la ou il est contenue en la grand charter, celuy que avera fait waste en garde, perdr' le garde: Accorde est, que il rendra al heire les damages del waste, si issint soit que la garde perdue ne suffist mie a le value des damages, avant lage de heire del mesme le garde.

Dyer 25. Fitz. Wast. 62, 117, 146. Bro. Parl. 17. Fitz. Judgment, 85, 134, 255. Fitz. Damage, 7, 22, 42, 52, 90, 114, 133. Co. Inst. 53 b. 54 b. 200 b. 355 b. 1 Roll. 91, 97, 156. Rast, 689 &c. Savill, 42. 9 H. 3. c. 4. Regist. 72, 2 Inst. 299.

Who are included in Statute.—Tenant by the curtesy is named in this Act because some doubted whether waste lay against him at common law, and not being a farmer he was not included in the Statute of Marlbridge, and secondly, because greater penalties are inflicted by this Act than at common law, 2 Inst. 301. According to the same authority, a lessee for his own life or for another man's life is within the words and meaning of the law,