

served, was the earlier statute in point of time, and this difference between the two sections is to be noted, viz., that while the Statute of Marlbridge is confined to lessees for life or years, the Statute of Gloucester includes all tenants for life, whether holding under lease or otherwise; and while the Statute of Gloucester as revised (as in the original) merely speaks of "waste," the Statute of Marlbridge, as revised, expressly includes those "suffering" waste, which is but another mode of saying "permitting waste." But it is also to be noticed that neither statute includes within its provisions tenants at will, or at sufferance, neither do the words used expressly include tenants for a year, or less than a year, or tenants from year to year.

Littleton, however, says (s. 67): "Also, if tenements be let to a man for a term of half a year, or for a quarter of a year, etc., in this case if the lessee commits waste the lessor shall have a writ of waste against him, and the writ shall say *quod tenet ad terminum annorum*; but he shall have a special declaration upon the truth of the matter, and the Court shall not abate the writ, because he cannot have any other writ upon the matter." This, as appears by Coke's comment, was due to the fact that the form of the writ of waste had been settled under the authority of an Act of Parliament, and could not be changed without the like authority, and Coke on this section at Co. Lit. 54(b), says: "In this particular case the Statute of Gloucester c. 5, which giveth the action of waste against the lessee for life or years (which lay not against them at the common law) speaketh of one that holdeth for term of years in the plural number; and yet here it appeareth by the authority of Littleton, that although it be a penal law whereby treble damages, and the place wasted, shall be recovered, yet a tenant for half a year, being within the same mischief, shall be within the same remedy though it be out of the letter of the law, for *qui hæret in litera hæret in cortice*." We may venture to doubt whether this is perfectly sound reasoning and whether all the authorities noted in the margin bear out this comment, the citation from Bract. Lib. 4, pp. 315-317, does not, neither