

C A P. XVI.

The penalty of taking more farms than one in the Isle of Wight.

C A P. XVII.

The charges and benefit of the heir of Cestui que use.

ITEM, Where by an estatute made at *Marlbridge*, it was ^{4 Inst. 196.} ordained, That when tenants made feoffments in fraud to ^{Co. Lit. 84. b.} make the lords of the fee to lose their wards, the lords should have writs to recover their wards against such feoffees, as in the said statute among other things appeareth more plainly at large: (2) Sith the making of which estatute many imaginations have been had and yet been used, as well by feoffments, fines and recoveries, as otherwise, to put lords from their wards of lands holden of them by knights service: (3) It is therefore ordained, established and enacted by authority of this present parliament, That the said statute of *Marlbridge* be observed and kept in all manner of things after the form and effect thereof. (4) And over, that it is ordained and enacted by the said authority, That if any person or persons, of what estate, degree or condition he or they be of, or hereafter shall be, seised in demean or reversion of state of inheritance, being tenant immediate to the lords of any castles, manors, lands and tenements, or other hereditaments holden by knights service in his or their demean, as of fee, to the use of any other person or persons, and of his heirs only, he to whose use he or they be so seised dieth, his heir being within age, no will by him declared, nor made in his life touching the premisses, or any of them: the lord of whom such castles, manors, lands, tenements and hereditaments been holden immediately, shall have a writ of right of ward, as well for the body as for the land, as the lord should have had, if the same ancestor had been in possession of that estate so being in use at that time of his death, and no such estate to his use made. (5) And if any such heir be of full age at the death of his ancestor, to pay relief, as his ancestor, whose heir he is, had been in possession of that state so being in use at time of his death, and no such estate to his use made or had. (6) It is also stablished and enacted by the said authority aforesaid, That such heir or heirs so being in ward, shall have like action of waste against the said lords, or against them in whose ward they so be, as they or any of them should have had, and recover such damages and such penalties to be to the said lord and guardians, as should have been if their ancestor had died thereof seised. (7) And moreover, if any such lord bring any such writ of right of ward against such person or persons, and be barred in the same: that then the same defendant or defendants shall recover damages against the said plaintiffs, for their wrongful vexation in the same. Provided always, that this act begin to take effect of the heirs of them that shall die after the feast of *Easter*, that shall be in the year of our Lord M.CCCC, lxxx.

The heir of *Cestui que use* holding his lands by knights service within age, shall be in ward; and of full age, shall pay relief. The heir shall have an action of waste against his guardian committing waste.

Damages for the defendant in a writ of right of ward. 52 H. 3. c. 6. 1 R. 3. c. 7. 19 H. 7. c. 15. 23 H. 8. c. 10. 34 H. 8. c. 5. 12 Car. 2. c. 24.

C A P.