

sint, ita equis & armis se bene instruant, ut apti & parati sint ad servitium meum & defensionem Regni mei. But these Privileges and Quittances are discontinued, and the Charge remaineth.

4 Inst. 292.

[a] Glanvil, li. 7. c. 9, 10. Fleta, lib. 1. c. 8 & 9. & lib. 3. c. 16, 17, &c. Bracton, lib. 2. cap. 16. Mirror, cap. 5. Sect. 2. Britton 162.

It is called commonly in [a] our Books servitium militare, &c. or servitium militis. And this Service was created and provided for the Defence of the Realm, to perform which Service the Heirs are not accounted in Law able till the Age of one and twenty Years. Therefore during their Minority the Lord shall have the Custody of them, not for Benefit only, but that the Lord might see, that they be in their young Years taught the Deeds of Chivalry, and other virtuous and worthy Sciences.

9 Co. 137.

[b] Fortescue, cap. 44.

[b] Si hereditas teneatur per servitium militare, tunc per leges infans ipse, & hereditas ejus, &c. per Dominum feodi illius custodientur, &c. Quis, putas, infantem talem in artibus bellicis quas facere, ratione tenuræ suæ, ipse attingitur Domino feodi sui, melius instruere poterit, aut velit, quam Dominus ille, cui ab eo servitium tale debetur, & qui majoris potentia & honoris estimatur, quam sunt alii amici propinqui tenentis sui? Ipse namque ut sibi ab eodem tenente melius serviat diligenter curam adhibebit, & melius in hiis cum erudire expertus esse censetur quam reliqui amici juvenis, &c. & revera non minimum erit Regno accommodum, ut incolæ ejus in armis sint experti, nam audacter quilibet facit, quod se scire ipse non diffidit.

[c] Lamb. 135. 2. 4 Inst. 193.

[c] Amongst the Laws of Saint Edward the Confessor it is thus provided, Debent enim universi liberi homines, &c. secundum feodum suum, & secundum tenementa sua, arma habere, & illa semper prompta conservare ad tuitionem Regni, & servitium Dominorum suorum juxta præceptum Domini Regis explendum & peragendum. And William the Conqueror confirmed that Law in these Words: Statuimus & firmiter præcipimus ut omnes Comites, & Barones & Milites, & servientes, & universi liberi homines totius Regni

son baron & luy possent enter e la terre & ouste le Seignior, car ceo est hors de cas de le dit estatute, entant que le Seignior ne poit tender mariage a luy que est marie, &c. Car devant le dit estatute Westm 1. tiel issue female que fuit deins age de 14 ans, al temps de mort son ancesser, & puis que el avoit accompli lage de 14 ans sans aucun tender de mariage per le Seignior a luy, tiel heire female donque puisset enter en le terre, & ouste le Seignior siccome appiert per le rehearsal & parolx de le dit Statute, issint que le dit Statute fuit fait en tiel cas, tout pur ladvantage de Seigniors come il semble. Mes uncore ceo tous foits est entendue per les parolx de in le Statute que le Seignior navera les deux ans apres les 14 ans, come est avantdit, mes lou tiel heire female soit deins lage de 14 ans, nient marie al temps de mort son ancesser.

Heir Female, and then her Husband and she may enter into the Land, and oust the Lord: For this is out of the Case of the said Statute, inasmuch as the Lord cannot tender Marriage to her which is married, &c. For before the said Statute of W. 1. such Issue Female, which was within the Age of 14 Years at the Time of the Death of her Ancestor, and after she had accomplished the Age of 14 Years, without any Tender of Marriage by the Lord unto her, such Heir female might have entered into the Land, and ousted the Lord, as appeareth by the Rehearsal and Words of the said Statute; so as the said Statute was made (as it seemeth) in such Case altogether for the Advantage of Lords. But yet this is always intended by the Words of the same Statute, that the Lord shall not have these two Years after the 14 Years, as is aforesaid, but where such Heir female is within the Age of 14 Years, and unmarried at the Time of the Death of her Ancestor.