

nitio rerum, et, Nomina si perdas certe distinctio rerum perditur. Therefore the Names of Things (as Littleton here teacheth) are, for avoiding of Confusion, diligently to be observed.

Sect. 120.

Item si home tient d son Seignior per escuage certaine, s. e. tiel foym quant l'escuage curge, & est assesse per Parliament a greinder summe ou meinder summe, que le tenant paiera a son Seignior forsque demy marke pur escuage, & nient plus ne meins, a quel graund summe, ou a quel petite summe que l'escuage curge &c. tiel tenure est tenure en Socage, & nemy service de chivalrie. Mes lou le summe que le tenant paiera pur l'escuage est non certain, s. lou il poit estre q l' summe q le tenant paiera pur l'escuage a son Seignior poit estre a un foits le greinder & a auter foits le meinder, solongue ceo que est assesse, &c. donques tiel tenure est tenure per service de Chivaler.

cage certa servitia do eber belong, so as the Husbandman may the rather live in Quiet. Secondly, Escuage is to be paid at every Time when it is assessed, and here it is not to be paid, but when it amounteth to forty Shillings.

Sect. 121.

Item si home tient sa teer pur paier certaine rent a son Seignior pur Castle-garde, tiel tenure est tenure e socage :

Also if a Man holdeth his Land to pay a certain Rent to his Lord for Castle-guard, this Tenure is Tenure in Socage ; but

Escuage certaine, Is not in rei veritate servitium Scuti, which is to be done by the Body of a Man; but it is servitium Crumenæ, of Money, which is to be drawn out of the Purse, and that is in Effect a Tenure in Socage; where in it is to be observed, that the Service of Payment of Money is the more base, and less profitable for the Commonwealth in this Case, and hereof somewhat hath been said before in the Chapter of Escuage, Sect. 98, 99.

If a Man hold by Homage, Fealty and Escuage, i. e. by an Half-penny, when Escuage runs at forty Shillings, this is a Tenure in Socage, and no Knight's Service, for two Causes.

First, It is Socage Tenure, because of the Certainty, for to the Tenure in Socage.

5 E. 4. 128. Vid. Rot. Par. 4 E. 3. nu. 19. Clavering's Case excellently resolved in Parliament. Hill. 3 E. 2. coram Rege, Rot. 34. Agnes Frowick's Case.

Herein the Difference standeth thus: If a Rent be paid for Castle-guard, it is clear a Socage Tenure, as it is

Vid. Sect. 88, 89.