

Lib. II. Cap. VI. Of Frankalmoign. Sect. 133.

the Surety of the Lord, that his Tenant shall be faithful and loyal to him, doth create such a Service as the Tenant shall be bound thereunto by Oath.

10 E. 3. 34. 9 H. 6. 41.
40 H. 6. 13. 9 E. 4. 1.
21 E. 4. 29. 5 H. 5. 12.
5 H. 7. 11.

Auxi si lease soit fait pur ans, &c. le lessee ferra fealty. For there also is a Tenure between them. And Littleton's Opinion in this Case is holden for good Law at this Day.

Vide Sect. 84.
Ante 63. a.

Et ceo est prove bien per les parols del brieve, &c. Nota; the original Writs are (as it were) the Foundations and Grounds of the Law; and, as it appears here by Littleton, are of great Authority for the Proof of the Law in particular Cases.

5 Co. 10.

Pur ceo que il nad sure estate. Therefore Tenant at Will shall not do Fealty, (as hath been said before) because the Matter of an Oath must be certain. The rest of this Section needs no Explication.

Mint le brieve prova un tenure enter pur. Mes celuy que est tenant a volūt solong le course del common ley ne ferra fealtie, p ceo q il nad aucun sure estat: Mes auterment est de tenant a volūt solong que le custome del manor, pur ceo que il est obligé pur faire fealtie a son Sñr pur deux causes; lun est p cause del custome, & l'auter est pur ceo que il prist son estat en tiel forme p faire a son Sñr fealtie.

Writ proves a Tenure between them. But he which is Tenant at Will according to the Course of the Common Law shall not do Fealty, because he hath not any sure Estate: But otherwise it is of Tenant at Will according to the Custom of the Manor, for that he is bound to do Fealty to his Lord for two Causes; the one is by reason of the Custom, and the other is, for that he taketh his Estate in such Form to do his Lord Fealty.

Chap. VI. Sect. 133.

Frankalmoigne.

Bract. l. 2. ca. 5.
Brit. fol. 164, 165.
Mirror, cap. 2. sect. 18.
Glanvil, lib. 7. cap. 1. & lib. 12. cap. 3. & 25.

UN Abbe, Prior, ou auter home de religion, ou de saint Esglise.

21 H. 7. 39. 36 E. 3. 14.

It is to be observed, that of Ecclesiastical Persons some be regular, and some be secular. They be called Regular, because they live under certain Rules, and have vowed three Things, true Obedience, perpetual Chastity, and wilful Poverty. And when a Man is professed in any of the Orders of Religion, he is said to be home de Religion, a Man of Religion, or religious: Of this sort are all Abbots, Priors, and others of any of the said Orders regular. Secular are Persons Ecclesiastical; but because they live not under certain Rules of some of the said Orders, nor are Monks,

40 E. 3. 29. 8 H. 6. 23.
7 E. 4. 12. 12 H. 8. 8.

Tenant en Frankalmoigne est, lou un Abbe ou Prior, ou un auter home de religion, ou de saint Esglise, tient de son Sñr en Frankalmoigne, que est adit en Latin, in liberam Eleemosynam. Et tiel tenure commenç adèpimes en auncient temps en tiel forme: Quant un home en auncient temps fuit seisié de certain terres ou tenements en son demesne come de fee,

Tenant in Frankalmoign is, where an Abbot or Prior, or another Man of Religion, or of Holy Church, holdeth of his Lord in Frankalmoign, that is to say in Latin, in liberam Eleemosynam, that is, in free Alms. And such Tenure began first in old Time: When a Man in old Time was seised of certain Lands or Tenements in his Demesne as of Fee, and of the same Land in