

moigne, si soit expresse of certain Service that
 ascun man d' certain ser- he ought to do, &c.
 vice q' il doit faire, &c.

excellent Things; as when,
 where, and what may be di-
 strained: Of all which there
 is a Table given in their pro-
 per Places.

¶ *En tiel case le Seignior avera fealty, &c. come semble.* For as it hath
 been said, Fealty is incident to every Tenure, saving the Tenure in Frankalmoign, and
 where the Lord may distrain, there is Fealty due. And Britton calleth this Tenure (by Di-
 vine Service) Aumone, and not libera Eleemosyna. And saith he, Tenure en aumone est
 terre ou tenement que est done a aumone, dount ascun service est retenue al feoffor.

¶ *Et cetera.* And here [&c.] implieth Distress, Escheat, and the like.

¶ *Et tiel tenure nest passe dit Tenure en Frankalmoigne, eins est dit* 33 H. 6. fo. 6.
Tenure per Divine service, &c. And therefore our old Books divided spiritual
 Service into free Alms, (which was free from any Limitation of Certainty) and Alms, be-
 cause the Tenants were bound to certain Divine Services.

¶ *Sil soit expresse ascun maner de certaine service.* This holdeth where the
 Certainty is reserved upon the original Grant. If Lands were given to hold in libera Elee-
 molyna, reddendo a Rent, it seemeth the Reservation of the Rent to be void, * because it is
 repugnant, and contrary to the former Grant in libera Eleemosyna.

Vide Trin. 4 E. 3. and F. N. B. 231. f. That an Abbot or Prior that holdeth in Frankal-
 moign shall not be charged with a Corody. Also Lands holden in Frankalmoign cannot [a]
 be ancient Demesne, in Respect of Charges incident thereunto.

¶ *Que il doit faire, &c.* Here by [&c.] is understood temporal or spiritual Ser-
 vice also, which he ought to do corporally, or render, or pay.

There were within this Realm of England one hundred and eighteen Monasteries, found-
 ed by the Kings of England, whereof such Abbots and Priors as were founded to hold of
 the King per Baroniam, and were called to the Parliament by Writ, were Lords of Par-
 liament, and had Places and Voices there: † And of them there were twenty-seven Ab-
 bots, and two Priors, as by the Rolls of Parliament appears. But since our Author wrote,
 all these (as hath been said) are dissolved. King Stephen did found the Abbey of Feversham
 in Kent; Et dedit Abbati, & Monachis, & successoribus suis, Manerium de Feversham
 in Com. Kancie, simul cum Hundredo, &c. tenendum per Baroniam, &c. Altho albeit he held
 by a Barony, yet because he was never (that I [b] find) called by Writ, he never sat in
 Parliament.

All the Archbishops and Bishops of England have been founded by the Kings of England,
 and do hold of the King by Barony, (as before hath been said) and have been all called by
 Writ to the Court of Parliament, and are Lords of Parliament: As (amongst many) take
 one notable Record, [c] Mandatum est omnibus Episcopis, qui conventuri sunt apud Glou-
 cestriam, die Sabbati in crastino Sancte Katharine, firmiter inhibendo, quod sicut Baronias
 suas quas de Rege tenent diligunt, nullo modo presumant consilium tenere de aliquibus quæ
 ad Coronam Regis pertinent, vel quæ personam Regis, vel statum suum, vel statum consilii sui
 contingunt; scituri pro certo, quod si fecerint, Rex inde se capiet ad Baronias suas. Teste
 Rege apud Hereford 23 Novemb. &c. And the Bishopsricks in Wales were founded by the
 Princes of Wales, and the Principality of Wales was holden of the King of England as of
 his Crown: And when the Prince of Wales committed Treason, Rebellion, &c. the Princi-
 pality was forfeited, and the Patronages of the Bishops annexed to the Crown of England,
 so as the King is to have Pensions for his Chaplains, and Corodies for his Chadelets, of
 them, as of Bishops founded by himself. And vide Mich. 10 H. 4. Rot. 60. Wallia coram
 Rege, that the Judgment was given accordingly against the Bishop of St. Davids in Wales,
 per Justiciarios de utroq; Banco & alios de perito concilio Domini Regis. And the Bishops of
 Wales are also called by Writ to Parliament, and are Lords of Parliament, as Bishops of
 England be.

2 Inst. 460.
 13 E. 2. Count de
 Vouch. 118.
 * 13 H. 4. tit. Mesne 74.
 30 E. 3. 30. 19 E. 2. Avow-
 ry 224. 32 E. 1. Tail 31.
 26 Ass. 66. 4 H. 6. 17.
 Trin. 4 E. 3. F. N. B. 252. f.
 15 E. 3. Corody 4.
 [a] 32 E. 1. ant. Dem. 39.

F. N. B. 232. a.
 † For Example Rot. Parl.
 5 H. 8. 21 H. 8. &c.

[b] Canc. Pasch. 30 E. 1.
 Cor. Rege, this Founda-
 tion is so pleaded.
 Post 134. a. 344.

[c] Ex Rot. pat. de anno
 18 E. 3. M. 17.
 9 Co. 73.
 10 H. 4. fo. 6. b.

Sect. 138.

¶ Item, si soit de-
 mand, si ten en
 frankmarriage ferra
 fealty a le doñ ou a

Also, if it be de-
 manded, if Tenant
 in Frankmarriage shall
 do Fealty to the Do-

B b

¶ *E quel ferra in-
 convenient, &c.*
 An Argument drawn from
 an Inconvenience is forcible
 in Law, as hath been obser-
 ved

Vide Sect. 87, 139, 201,
 269, 440, 478, 669, 722.