

Lib. II. Cap. VI. Of Frankalmoign. Sect. 142.

15 E. 3. Confirm. 8.

Contra formam collationis, or any other incident to their inheritable Blood. But it is no incident inseparable; for the Lord may release to the Tenant in Frankalmoign; and then the Tenure is extinct, and he shall hold of the Lord Paramount by Fealty, as in the Case of Littleton, Sect. 139.

Vide 15 E. 4.
2 Rol. 447. cont.

Ou de ses heires. Here [or] hath the Sense of [and]: For a Man cannot at this Day grant Lands in Tail, and reserve a Rent to his Heirs, and exclude the Grantor himself; for the Heir cannot take any Thing in the

33 E. 3. tit. Annuity 52.
2 Rol. 447, 501.
9 Co. 122.

Life of the Ancestor; neither can the Heir take any Thing by Descent, when the Ancestor himself is secluded. But if a Man had granted Lands at the Common Law, to hold of his Heirs, these Words [To hold of his Heirs] are void, and he shall hold of the Grantor, as he held over, which he should have done, if he had made no Reservation at all.

And albeit Littleton saith, That no Man can hold Lands in Frankalmoign, but of the Grantor or his Heirs; yet might an Abbot by Assent of his Convent, or a Bishop with Assent of his Chapter, and such like, by Licence, as is aforesaid, have given Lands in Frankalmoign, to hold of them and their Successors, and as Littleton himself agreeth, the King may give Land in Frankalmoign. In which Case the Land shall be holden of him, his Heirs and Successors.

Et pur ceo est dit, si soit Seignior, mesne, & tenant, & le tenant est un Abbe, &c. By this it appeareth, that if the Seignior be transferred by Act in Law to a Stranger, and thereby the Privy is altered, that the Tenure in Frankalmoign is changed to a Tenure in Socage by Fealty, as well as it appeareth before, when the Seignior or Tenancy is granted to another; and the Law in this Case also createth a new Fealty, wherewith the Land was not charged before.

2 E. 4. 46. 513. 7 E. 4.
12. a.

Donques les mesnaltie deviendra per escheat al dit Seignior Paramount. This new Tenure created by Law shall upon the Escheat drowne the Seignior; for always the Seignior nearer to the Land, drowns the Seignior that is more remote off; and yet the Lord in this Case, to whom the Mesnalty is escheated, shall hold by the same Services that held before the Escheat.

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11 Co. 67.

Home de Religion. And yet this Case extendeth to all Ecclesiastical Persons that hold in Frankalmoign, be they secular or regular, for the Mesne ought to acquit all of them, for they be bound [a] to make Prayers for their Founder, and his Heirs, and in Consideration of those Prayers, the Founder, &c. is bound to pay to the Chief Lord all Rents and Services issuing out of that Land, as it appeareth by that which followeth.

[a] Pl. Com. 306. b. in Sharington's Case.
33 H. 6. 6. 39 H. 6. 29.
14 E. 3. Mesne 7.

De luy acquiter.

I

Et nota, que luy tel home de religion tient ses Tenements de son Sür en frankalmoigne, son Sür est tenu per la ley de luy acquiter de chescun manner de service que aucun Seignior paramount de luy boet aver ou demander de mesmes les tenements: & sil ne

AND note; that where such Man of Religion holds his Tenements of his Lord in Frankalmoign, his Lord is bound by the Law to acquit him of every Manner of Service, which any Lord Paramount will have or demand of him for the same Tenements. And if he doth not acquit