

nostre Seignior le Roy; si tiel alien voile fuer un Añon reall ou personal, le Tenant ou Defendant poit dire, que il fuit nee en tiel pais que est hors de la ligeance le Roy, & demaund judgment si il serra respondue.

our Sovereign Lord the King; if such Alien will sue an Action real or personal, the Tenant or Defendant may say, that he was born in such a Country which is out of the King's Allegiance, and ask Judgment if he shall be answered.

to the Etymology of the Word it signifieth one born in a strange Country, under the Obedience of a strange Prince or Country, (and therefore Bracton saith, that this Exception, Propter defectum Nationis, should rather be Propter defectum Subjectionis) or, as Littleton saith, (which is the surest) out of the Ligeance of the King. Note here, Littleton saith not Hors del realme, but Hors de ligeance; for he may be born out of the Realm of England, yet with-

11 H. 4. 26. 14 H. 4. 19, 20.
3 H. 6. 55. 22 H. 6. 38.
Staundf. Pl. Cor. 197. a.
Lib. 7. fo. 1. Calvin's
Case.
Pl. Com. 268. per Saun-
ders.
Vide Sect. 1. 439, 440,
441.

in the Ligeance. [46] And he that is born within the King's Denizen, quasi deins nee, born within, and thereupon in Latin called Indigena, the King's Liegeman, for Ligeus is ever taken for a natural-born Subject. But many Times in Acts of Parliament Denizen is taken for an Alien born, that is, infranchised or denized by Letters Patents, whereby the King doth grant unto him, [a] Quod ille in omnibus tractetur, reputetur, habeatur, teneatur, & gubernetur, tanquam ligeus noster infra dictum Regnum nostrum Angliæ oriundus, & non aliter, nec alio modo. But the King may make a particular Denization: [b] As he may grant to an Alien, Quod in quibusdam Curis suis Angliæ audiat ut Anglus, & quod non repellatur per illam exceptionem, quod sit alienigena & natus in partibus transmarinis, to enable him to sue only. The several Senses of which Word must be gathered ex antecedentibus, adjunctis, & consequentibus; and they that take him in that Sense deribe the Word from Donatison, i. Donatio, because his Freedom is given unto him by the King.

5 Co. 52. Cro. Car. 8.
[a] 9 E. 4. fo. 8. Pl.
Com. 130. b.

[b] Rot. Parl. 22 E. 1.
Elias de Daubenie.
Cro. Ja. 539.

There is another Kind, and that is an Alien naturalized, and that must be by Act of Parliament. And this Alien naturalized to all Intents and Purposes is as a natural-born Subject, and differeth much from Denization by Letters Patents: For if he had Issue in England before his Denization, that Issue is not inheritable to his Father; but if his Father be naturalized by Parliament, such Issue shall inherit. So if an Issue of an Englishman be born beyond Sea, if the Issue be naturalized by Act of Parliament, he shall inherit his Father's Lands; but if he be made Denizen by Letters Patent, he shall not. And many other Differences there be between them.

Ligeance. A Ligando, being the highest and greatest Obligation of Duty and Obedience that can be. Ligeance is the true and faithful Obedience of a Liegeman or Subject to his Liege Lord or Sovereign. Ligeantia est vinculum fidei: Ligeantia est legis essentia.

- | | | | |
|---|----------------|---|-----------|
| Ligeantia Domino Regi debita est duplex | Perpetua, | 1. Originaria, sive naturalis, sive nata: And this is always absolute and incident inseparable. Nemo patriam in qua natus est exuere, nec ligeantiae debitum ejurare possit. | Hob. 271. |
| | | 2. Data, aut per denizationem, aut per naturalizationem, (ut supra dictum est) Ista ligeantia per denizationem potest esse sub conditione. | |
| | Temporanea aut | Localis, quia quilibet alienigena qui in hoc Regno sub protectione Regis degit Domino Regi ligeantiam debet. And if he be indicted of High Treason the Indictment shall say, Contra Ligeantiae suae debitum: Et ideo dicitur temporanea & localis, quia non durat nisi quousque infra Regnum moratur. | |
| | | Limitata, as when one is made Denizen for Life, or in Tail: But one cannot be naturalized either with Limitation for Life, or in Tail, or upon Condition: For that is against the Absoluteness, Purity, and Indelibility of natural Allegiance. | |

* 13 E. 3. Br. 254. 20 E. 3.
Annuity 24. 17 E. 3. 21.
40 E. 3. 10. 27 Aff. 48.
14 H. 4. 37. 22 E. 4. 44.
21 H. 7. 7.
Staundf. Præf. 54. Le-
but stat. de Carlisle 35 E. 1.

* An Abbot, Prior, or Priores Alien, shall have Actions real, personal, or mixt, for any Thing concerning the Possessions or Goods of his Monastery here in England, though he be an Alien born out of the King's Ligeance, because he bringeth it not in his own Right, but