

C *Chival.* Nota; In Latin *Destrarius* is a great Horse; or a Horse of Service; of the French Word *Destrier*: *Palfridus* a Horse to travel on, of the French Word *Palfray*: And *Runcinus* a Nag, (you shall often read of them in Records;) it cometh of the Italian Word *Roncino*. But admit that Parcel of the Land holden by such entire Service come to the Lord by Descent; whether shall the entire Service wholly remain, or be extinct? And it is holden, that in some Cases it shall be extinct for the whole, as Suit-service, and such other entire annual Suit-Services. But if the Service be, to render yearly at such a Feast, a Horse, or the like, and the Tenant infeof the Father of the Lord of Part, which descends; yet the Feoffee shall hold by a Horse, because the Service was multiplied, and each of them, viz. the Feoffor and the Feoffee held by a Horse.

A. hath Common of Pasture sauns nombre in twenty Acres of Land, and ten of those Acres descend to A. the Common sauns nombre is intire and uncertain, and cannot be apportioned, but shall remain. But if it had been a Common certain, (as for ten Beasts) in that Case the Common should be apportioned. And so it is of Common of Estovers, of Turbary, of Pishery, &c. And yet in none of these Cases the Descent, which is an Action in Law, shall work any Wrong to the Tenant, for he shall have that which belongeth to him; for the Act in Law shall work no Wrong.

If three Jointenants hold by an entire yearly Rent, as of a Horse, or of a Grain of Wheat, &c. and the Tenant cels by two Years, and the Lord recover two Parts of the Land against two of them, and the third saves his Part by tendering of the Rent, &c. and finding Surety; albeit the Lord come to the two Parts by lawful Recovery, grounded upon the Default and Wrong of the two Jointenants, yet shall the entire annual Rent be extinct.

If the Tenant holdeth by Fealty, and a Bushel of Wheat, or a Pound of Cummin, or of Pepper, or such like, and the Lord purchase Part of the Land, there shall be an Apportionment, as well as if the Rent were in Money: And yet if the Rent were by one Grain of Wheat, or one Seed of Cummin, or one Pepper-corn, by the Purchase of Part the Whole should be extinct. But if an entire Service be pro bono publico, as Knight's Service, Castle-guard, Cornage, &c. for the Defence of the Realm, or to repair a Bridge, or a Way, to keep a Beacon, or to keep the King's Records, or for Advancement of Justice and Peace, as to aid the Sheriff, or to be Constable of England, though the Lord purchase Part, the Service remains. So it is if the Tenure be pro opera devotionis five pietatis, as to find a Preacher, or to provide the Ornaments of such a Church, or pro opera charitatis, as to marry a poor Virgin, or to bind a poor Boy Apprentice, or to feed a poor Man. And so note a Diversity between these Cases and entire Services for the private Benefit of the Lord.

Sect. 223.

MES si un hoim tient sa terre dun auter per Homage, Fealty, & Escuage, & per certaine Rent, si le Sñr purchase parcel de la terre, &c. en tiel cas le rent serra apportion, come est avantdit; mes uncore en cest case le Homage & Fealty demurront entier a le Sñr: Car le Seignior aderra le homage & Fealty de son tenant pur le remnant de les

BUT if a Man hold his Land of another by Homage, Fealty and Escuage, and certain Rent, if the Lord purchase Part of the Land, &c. in this case the Rent shall be apportioned, (as is aforesaid;) but yet in this Case the Homage and Fealty abide entire to the Lord: For the Lord shall have the Homage and Fealty of his Tenant for the rest of the Lands and Tenements

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Purchase parcel del terre, &c. Here by this [&c.] is implied that the Reasons wherefore Homage and Fealty remain, and are not extinct in this Case, are, first, because it can be no Loss to the Tenant, as it might in the Case of an Horse, or other entire Service; for there it may be the Remnant is not sufficient in Value to pay it. Secondly, There is no Land but it must be holden by some Service or other, and Homage and Fealty are the freest and least chargeable Services to the Tenant.

Pur ceo que tiels services ne sont passe annual services, &c. This is Ratio una, but not unica, as it appeareth

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