

[a] 7 E. 4. 11.
Post 164. b. 192. a.

the Distress is an Incident inseparable to the Fealty, as hath been said: [a] And therefore a Release of Distress is void.

Incident. Incident is a Thing appertaining to, or following another, as a more worthy or principal, whereof you see here, and in divers other Places of Littleton, Examples. And of Incidents some be separable, and some inseparable, as hath been said.

il est seuer per le grant le Seignior de les autres services, il ne poit estre dit rent service, pur ceo que il ne ad a ceo fealty, que est incident a chescun manner de rent service, & pur c'est dit rent seck. Et le Seignior ne poit grant tiel rent ove distresse, come est dit.

by the Grant of the Lord from the other Services, it cannot be said Rent-Service, for that it hath not Fealty unto it, which is incident to every manner of Rent-Service, and therefore it is called Rent-seck. And the Lord cannot grant such a Rent with a Distress, as it is said.

Sect. 228.

[b] 41 E. 3. 16.

[c] 12 E. 4. 3. 32 H. 8.
tit. Patents. Br. 26.
Ass. 66. 48 E. 3. 9. b.

Savant a luy le reversion, &c. By this Word (&c.) is to be observed, [b] that this Rent reserved is a Rent-Service, and hath Fealty incident to it, and both Rent and Fealty are incident to the Reversion, viz. [c] the Rent incident to the Reversion separably, but the Fealty incident to the Reversion inseparably: But by the Grant of the Rent, the Fealty in this Case shall not pass, because the Fealty is inseparably incident to the Reversion, but the Grantee shall have the Rent as a Rent-seck. Also by this (&c.) is implied an Attornment of the Tenant; for without that, although by the Grant the Rent is turned to a Rent-seck, so as the Tenant cannot be charged with any Distress, yet to the passing thereof there must be an Attornment.

Attorne, &c. Here is implied by this (&c.) an Attornment in the Life of the Grantee, and other Incidents of an Attornment, whereof you shall read more at large in the Chapter of Attornment.

Donques ad le grantee le rent come rent service pur ceo il ad le reversion pur terme de vie. And the Reason hereof is, because the Rent is incident to the Reversion, as hath been said, and (as Littleton saith here) passeth away by the Grant of the Reversion, as with the Superior, without saying, Cum pertinentiis, &c. for the Reversion cannot be seck: But by the Grant of the Rent the Reversion doth not pass.

Item si hōe lessa a un autre terres pur terme de vie, reservant a luy certain rent, sil grant le rent a un autre p son fait, savāt a luy le reversion de la terre illint lesse, &c. tiel rent nest forsque rent seck, pur ceo que l'grantee n'ad riens en le reversion del terre, &c. Mes sil grant le reversion del terre a un autre pur terme de vie, & le Tenant attorne, &c. donques ad le grantee le rent come rent service, pur c'est que il ad le reversion p terme de vie.

Also if a Man let to another Lands for Term of Life, reserving to him certain Rent, if he grant the Rent to another by his Deed, saving to him the Reversion of the Land so letten, &c. such Rent is but a Rent-seck, because that the Grantee had nothing in the Reversion of the Land, &c. But if he grant the Reversion of the Land to another for Term of Life, and the Tenant attorn, &c. then hath the Grantee the Rent as a Rent-Service, for that he hath the Reversion for Term of Life.