

the Case of an Infant) and where the Discent is affirmed for a Time, the Estate being lawful, and being after defeated by Matter ex post facto, by a Title of Re-entry.

Sect. 410.

Vide Sect. 200.

Ante 206. b. 238. b.

\* Vide Pl. Com. Dame Hale's Case.

3 H. 6. 41. 10 H. 6. 10. b.  
18 E. 4. 19. 9 E. 4. 25, 52.  
7 E. 4. 15. 18 E. 3. 24.  
25 E. 3. 39. 46 E. 3. 25.  
30 E. 1. Brief 885.  
22 R. 2. Brief 936.  
Doc. Pla. 398.

**E**Ntre en Religion, &c. Here is implied Profession. This Discent shall not bar the Entry of the Disseisee, for that the Discent cometh by the Deed of the Father, because he entered into Religion, wherein there is an excellent Point worthy of Observation: For albeit the Entry into Religion make not the Discent, but the Profession whereof you have read before, Sect. 200. Yet here you may learn by Littleton, That the Law respects the original Act, and that is, his Entry into Religion, which is his own Act, whereupon the Profession followed, whereby the Discent happened; for Cujusque rei potissima pars principium est. And again, Origo rei inspicere debet, whereof you shall make great Use in reading of our Books. \* Here Littleton attributeth the Cause of the Discent to his Entry into Religion, which was his own Act; whereas a Discent doth not take away an Entry unless it cometh by Death, which, as Littleton saith, is the Act of God; and no glorious pretext of an Act, (no, though it be of Religion) shall work a Wrong to a Stranger that hath Right, to bar him of his Entry: But it is said, That in the Case of the Bastard-eigne, and mulier puisne, such a Discent shall bind the Mulier as before hath been said; and such an Heir, that cometh in by such a Discent, shall have his Age.

**Car si jeo arraigne un Assise, &c.** Nota; If a

Man be Tenant or Defendant in a real or personal Action, and hanging the Suit, the Tenant or Defendant entreth into Religion, by this the Writ is not abated, because it is by his own Act. And so it is of a Resignation; but otherwise it is of a Deposition or a Depriation, because he is expelled by Judgment, and yet his Offence, &c. was the Cause thereof, sed in presumptione Legis, judicium redditur in invitum.

**Moy de mon entry.** Here is implied, or any of my Heirs.

**I**tem, si jeo soy disseisee, & le Disseisor ad issue & enter en Religion, per force de quel les Tenements descendent a son issue, en cest case jeo bien puisse enter sur l'issue, & uncore la suit un Discent. Mes p ceo qz tiel discet vient al issue p fait le pier, s. p ceo q il enter en Religion, &c. & le Discent ne vient a luy p fait de Dieu, s. p mort, &c. mon entre est congeable. Car si jeo arraigne un Assise de Novel disseisin envers mon Disseisor, coment que il puit enter en religion, ceo ne abata my mon be mes mo be (ceo non obstant) estoit en la force, & mon recovery vers luy seroit bon. Et p mesme le reason le discent q abeigne a son Issue p son fait demesne ne tollera moy d mo entree, &c.

**A**lso if I be disseised, and the Disseisor hath Issue and entreth into Religion, by Force whereof the Lands descend to his Issue; in this Case I may well enter upon the Issue, and yet there was a Discent: But for that such Discent cometh to the Issue by the Act of the Father, sc. for that he entered into Religion, &c. and the Discent came not unto him by the Act of God, (scilicet) by Death, &c. my Entry is congeable: For if I arraign an Assise of Novel Disseisin against my Disseisor, albeit he after enter into Religion; this shall not abate my Writ, but my Writ (notwithstanding this) shall stand in its Force, and my Recovery against him shall be good. And by the same Reason the Discent which cometh to his Issue by his own Act, shall not take from me my Entry, &c.