

Lib. III. Cap. VIII.

Of Releases.

Sect. 445.

in Goods or Chattels: Or mixt, partly in the Realty, and partly in the Personality.

**R**elease, Relaxatio: Of the Etymology of this Word you have heard before. Fleta calleth it, Charia de quieta clamantia.

**N**overint universi per presentes &c. Here Littleton sheweth Precedents of Releases of Right: And Precedents do both teach and illustrate; and therefore our Student is to be well stored with Precedents of all kinds.

**R**emissione, relaxasse, & quietum clamasse. Here Littleton sheweth, that there be three proper Words of Release, and be much of one Effect: Besides, there is Renunciare, Acquiescere; and there be many other Words of Release: As if the Lessor grants to the Lessee for Life, that he shall be discharged of the Rent, this is a good Release. Vide Sect. 532.

And it is to be understood, that there be Releases in Deed, or express Releases, whereof Littleton here hath shewed an Example. These express Releases must of Necessity be by Deed. There be also Releases in Law, and they are sometimes by Deed, and sometimes without Deed. As if the Lord disseise the Tenant, and maketh a Feoffment in Fee by Deed or without Deed, this is a Release of the Seigniorie. And so it is, if the Disseisee disseise the Heir of the Disseisor, and make a Feoffment in Fee by Deed or without Deed, this is a Release in Law of the Right; and the same Law it is of a Right in Action.

If the Obligee make the Obligor his Executor, this is a Release in Law of the Action, but the Duty remains, for the which the Executor may retain so much Goods of the Testator.

If the Feme Obligee take the Obligor to Husband, this is a Release in Law. The like Law is, if there be two Femmes Obligees, and the one take the Debtor to Husband.

If an Infant of the Age of seventeen Years release a Debt, this is void. But if an Infant make the Debtor his Executor, this is a good Release in Law of the Action.

But if a Feme Executrix take the Debtor to Husband, this is no Release in Law, for that should be a Wrong to the Dead, and in Law work a Devastavit, which an Act in Law shall never work. And so it was adjudged in the King's Bench, Mich. 30 & 31 Eliz. in

which Case I was of Counsel.

But it is to be observed, That there is a Diversity between a Release in Deed and a Release in Law; for if the Heir of the Disseisor make a Lease for Life, and the Disseisee release his Right to the Lessee for his Life; his Right is gone for ever. But if the Disseisee doth disseise the Heir of the Disseisor, and make a Lease for Life, by this Release, in Law, the Right is released but during the Life of the Lessee: For a Release in Law shall be expounded more favourable, according to the Intent and Meaning of the Parties, than a Release

autres choses. Releases de tout le droit que homes ont en terres ou Tenements, &c. sont communement fait en tiel form ou de tiel effect.

Releases of all the Right which Men have in Lands and Tenements, &c. are commonly made in this Form, or of this Effect.

Sect. 445.

**N**overint universi per presentes, me A. de B. remisise, relaxasse, & omnino de me & heredib. meis quietum clamasse: vel sic, Pro me & heredibus meis quietum clamasse C. de D. totum jus, titulum, & clameum quæ habui, habeo, vel quovismodo in futuro habere potero, de & in uno messuagio cum pertinentiis in F. &c. Et est ascavoiré, que ceur Verbs, Remisise, & quietum clamasse sont de un tiel effect, sicome tiels Verbs, Relaxasse.

Know all Men by these Presents, That I A. of B. have remisied, released, and altogether from me and my Heirs quiet claimed: Or thus, For me and my Heirs quiet claimed to C. of D. all the Right, Title, and Claim which I have, or by any Means may have, of and in one Messuage, with the Appurtenances in F. &c. And it is to be understood, that these Words Remisise & quietum clamasse, are of the same Effect as these Words, Relaxasse.

24 E. 3. 27. 13 H. 4. Entr. congeab. 57.

9 Co. 32.

27 H. 8. 29. of an Use.  
34 H. 6. 44. of an Auitant.  
Hob. 10.  
1 Cro. 373.  
Siderf. 79.  
5 Co. 29.  
8 E. 4. 3. 22 E. 4. 2.  
11 H. 7. 4. 20 H. 7. 29.

1 Leon. 320.  
50 E. 3. 24. 32 E. 3. Tit.  
Scire fac. 102.  
Finch 294.