un common de Paſture, ou ove un rent charge, & puis le tenant en le taile moruſt, ore il ſemble que le terre eſt diſcharge del common, & de le rent, pur ceo que le heire eſt eins de auter eſtate en la terre, que il fuit al temps de le charge fait, entant q̃ il eſt en ſon remitter per force de le taile, & iſſint l'eſtate, q̃ il avoit al temps de le charge, eſt ouſterment defeat, &c.

the ſame Land with a Common of Paſture, or with a Rent-charge, and after the Tenant in Tail dieth; now it ſeemeth that the Land is diſcharged of the Common, and of the Rent, for that the Heir is in of another Eſtate in the Land than he was at the Time of the Charge made, inaſmuch as he is in his Remitter by Force of the Tail, and ſo the Eſtate which he had at the Time of the Charge is utterly defeated, *&c.*

&c. The Reaſon is, becauſe the Grantor had not any Right of the Eſtate in Tail in him at the Time of the Grant, but only the Eſtate in Fee-ſimple gained by the Feoffment, which (as Littleton here ſaith) is wholly defeated. And the State of the Land out of which the Rent iſſued being defeated, the Rent is defeated alſo. 3 Co. 5. b. Hob. 45.

But if Tenant in Tail make a Leaſe for Life, whereby he gaineth a new Reverſion in Fee, ſo long as Tenant for Life liveth; and he granteth a Rent-charge out of the Reverſion, and after Tenant for Life dieth, whereby the Grantor becometh Tenant in Tail again, and the Reverſion in Fee defeated; yet becauſe the Grantor had a Right of the Entail in him, cloathed with a defeaſible Fee-ſimple, the Rent-charge remaineth good againſt him, but not againſt his Iſſue; which Diverſity is worthy of Obſervation, for it openeth the Reaſon of many Caſes. 11 H. 7. 21. Edrich's Caſe. Mo. 319. Ante 345. a. 278. a.

If the Heir apparent of the Diſſeiſee diſſeiſe the Diſſeiſor, and grant a Rent-charge, and then the Diſſeiſee dieth, the Grantor ſhall hold it diſcharged; for there a new Right of Entry doth deſcend unto him, and therefore he is remitted.

So if the Father diſſeiſe the Grandfather, and granteth a Rent-charge, and dieth; now is the Entry of the Grandfather taken away; if after the Grandfather dieth, the Son is remitted, and he ſhall avoid the Charge. So as where our Author putteth his Example of a Fee-tail, it holdeth alſo in Caſe of a Fee-ſimple.

¶ *Un common de Paſture, ou un Rent charge, &c.* Here Littleton putteth his Caſe of Things granted out of the Land. But what if the Iſſue at full Age by Deed indented, or Deed-poll, make a Leaſe for Years of the Land, and after by the Death of Tenant in Tail he is remitted, whether ſhall he avoid the Leaſe, or no? And it is holden he ſhall not, becauſe it is made of the Land itſelf, and the Land is become by the Leaſe in another Plight than it is in a Caſe of a Grant of a Rent-charge, which I gather out of our Author's own Words in another Place. 33 H. 8. Dyer 51. b. 422. 278. a. Vide Sect. 289. Mo. 126.

¶ *La terre eſt diſcharge del Rent, &c.* Littleton doth add theſe two Words materially, becauſe the whole Grant is not thereby avoided, but the Land diſcharged of the Rent-charge; for the Grantee ſhall have notwithſtanding a Writ of Annuity, and charge the Perſon of the Grantor. Lib. 2. f. 35. b.

Sect. 661.

¶ Item un prin-cipal cauſe pur que tiel heire en les caſes avantdits, & autiers caſes ſemblables, ſerra dit en ſon remitter, eſt pur ceo q̃ il ny ad aſcun perſon envers q̃ il poit ſuer ſõ briefe de

Alſo a principal Cauſe why ſuch Heir in the Caſes aforeſaid, and other like Caſes, ſhall be ſaid in his Remitter, is for that there is not any Perſon againſt whom he may ſue his Writ of *Formedon*. For againſt

¶ *Un principal cauſe pur que, &c.* And of this Opinion is Littleton in our Books. [a] [a] 12 E. 4. 20. 41 E. 3. 18. 11 H. 4. 50.

¶ *Il nad aſcun perſon envers que, &c. ſi come il avoit loialment recover meſme la terre vers un auter, &c.* Here it is to be underſtood, that regularly a Man ſhall not be remitted to a Right 6 Co. 58. b.