

[a] 34 E. 3. Protect. 119.
28 H. 6. 3. 34 H. 6. 22.
30 H. 6. 3. 32 H. 6. 4.
2 Rol. 327.

[a] There is a Clause in the Protection to his Effect, *Præsentibus minime valituris, si contingat ipsum, &c. a custodia castri prædicti recedere. Et, si contingat iter illud non arripere, vel infra illum terminum a partibus transmarinis redire.* Whereupon there be two Conclusions to be observed.

First, That though the Protection be allowed by the Court for a Year, yet if it be repealed by an *Innorescimus*, that the Re-summors or Re-attachment shall be granted upon the Repeal within the Year, for the Protection that was allowed had the said Clause in it. And of that Opinion be our later Books, and the Repeal by *Innorescimus* should serve for little Purpose, if the Law should not be taken so.

Secondly, That albeit he that had the Protection either *Moraturæ* or *Profecturæ* return into England, and haply be arrested and in Prison, yet if he came over to provide Munition, Habiliments of War, Victuals or other Necessaries, it is no Breach of the said conditional Clause, nor against the Act of 13 R. 2. cap. 16. for that in Judgment of Law, coming for such Things as are of Necessity for the Maintenance of the War, *moraturæ* according to the Intention of the Protection and Statute aforesaid. And thus much of the Two first Protections *Cum clausula Volumus, Profecturæ* and *Moraturæ*.

F. N. B. 23. b.
[b] Registrum 281. b.
F. N. B. 28. b.
33 H. 8. c. 29. in the
Preamble. 41 E. 3. tit.
Execution 38. 18 E. 3.
ibid. 56. Rot. pat. 27 E. 3.
part 1. m. 2.

[c] As to the third Protection *Cum clausula Volumus*, The King by his Prerogative regularly is to be preferred in Payment of his Duty or Debt by his Debtor before any Subject, although the King's Debt or Duty be the latter: And the Reason hereof is, for that Theobaldus Regis est fundamentum belli, & firmitatem pacis. And thereupon the Law gave the King Remedy by Writ of Protection, to protect his Debtor, that he should not be sued or attached until he paid the King's Debt: But hereof grew some Inconvenience, for to delay other Men of their Suits, the King's Debts were the more slowly paid. And for Remedy thereof [c] it is enacted by the Statute of 25 E. 3. that the other Creditors may have their Actions against the King's Debtor, and proceed to Judgment, but not to Execution, unless he will take upon him to pay the King's Debt, and then he shall have Execution against the King's Debtor for both the two Debts.

[c] 15 E. 3. cap. 19.
2 Rol. 203. Cro. Car.
389, 390. Hob. 115.

This Kind of Protection hath (as it appeareth) no certain Time limited in it. But in some Cases the Subject shall be satisfied before the King: [d] For regularly whensoever the King is intitled to any Fine or Duty by the Suit of the Party, the Party shall be first satisfied, as in a *Decies tantum*. And so if in an Action of Debt the Defendant deny his Deed, and it is found against him, he shall pay a Fine to the King, but the Plaintiff shall be first satisfied: And so in all other like Cases. And so it is in Wills preferred by Subjects in the Star-Chamber, their Costs and Damages (if any be) shall be answered before the King's Fine, as it is daily in Experience.

[d] 41 E. 3. 15. 17 E. 3.
73. 29 E. 3. 13. 4 E. 4. 16.

The fourth Protection *Cum clausula Volumus*, is, when a Man sent into the King's Service beyond Sea is imprisoned there, so as neither Protection *Profecturæ* or *Moraturæ* will serve him; and this hath no certain Time limited in it, whereof you shall read at large in the Register, and F. N. B.

[e] Vide li. 7. fo. 8, 9.
Calvin's Case.

[e] Now we are at length come to Protections *Cum clausula Nolumus*; all which, saving one, are of Grace, and, as hath been said, are implied under the general Protection: For as Fitzherbert saith, every Loyal Subject is in the King's Protection. Of these Protections of Grace you shall not read much in our Year-Books, because they stayed no Actions or Suits. [f] Of the divers Forms of these you shall read at large in the Register, and F. N. B. which were too long and needless to be here recited.

[f] Register 280, &c.
F. N. B. 29. A. B. C. D.
F. G. H.

The Protection *Cum clausula Nolumus*, that is of Right, is, that every Spiritual Person may sue a Protection for him and his Goods, and for the Fermors of their Lands and their Goods, that they shall not be taken by the King's Purveyors, nor their Carriages or Chattels taken by other Ministers of the King: Which Writ doth recite the Statute of 14 E. 3.

Of these Protections I cannot say any Thing of mine own Experience; for albeit Queen Elizabeth maintained many Wars, yet she granted few or no Protections: And her Reason was, That he was no fit Subject to be employed in her Service, that was subject to other Mens Actions, lest he might be thought to delay Justice.

ENTER & LE v. est, un home
professe en Religion.
fesse en Religion: Si tiel

THE Fifth is, where a
Man is entred and
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