

every such like liberties, advantages, dignities, privileges, wages, fees and commodities concerning this said court of parliament, to all intents, constructions and purposes, as any other the knights and burgesses of the said court shall, may, or ought to have, take or enjoy.

II. And also where it is and hath been used within the said county palatine, that upon the suggestion of any person that is or hath been indebted to any other person or persons coming to the exchequer within the said county palatine, and there taking a corporal oath, that he or they shall pay his or their creditors at such time as he or they shall be able thereto, the officers of the said exchequer have used without warrant to grant out of the same exchequer a writ in nature of a protection, whereby the said creditors have been and be greatly delayed, and in a manner defrauded of their said debts, to the great impoverishment and undoing of the said creditors: (2) For reformation whereof, it may also please your said Highness that it be enacted by the authority aforesaid, That no such writ, of course without a special warrant from your said Highness, your heirs or successors, containing any such protection, be from the first day of October which shall be in the year of our Lord God 1543, granted; but that all and every such writs of course after the said day to be granted, to be void and of none effect; any custom, use or privilege to the contrary hereof notwithstanding.

No writ of course in the nature of a protection shall be granted in the county palatine of Chester.

C A P. XIV.

An act for a certificate of convicts to be made into the King's bench.

WHERE before this time divers persons have been indicted, arraigned and attainted, and some of them clerks convicted, and some of them clerks attainted, and some of them outlawed for murder, burglary, robbery and other felonies, before justices of the peace, justices of gaol-delivery and justices of Oyer and Determiner, within divers cities, counties, franchises and liberties within this realm, the records of which attainders, outlawries and convictions, often and many times by negligence of the clerk of the crown, clerks of peace, clerks of assize, and such other as have had the order, rule, keeping and governance of the same records, have been imbezelled and not ready to be objected against such persons as have been newly arraigned before our sovereign lord the King in his bench, or before other the King's justices, for like and such other offences by them committed or done; (2) and for that it hath not been certainly known whither to resort for the same records, because they were not certified into any place certain, (3) by reason whereof sometime such persons and like offenders, which have been newly arraigned, as is aforesaid, have had the benefit of his or their clergy where they ought not, ne should have had the same, if the said records had then been present in the same place where such person or persons were so newly arraigned, or else certified into some other place certain, where the same records might have been seen, sent for or written for, to have been objected against such person

3 Inst. 215.
12 Co. 32, 103.

or persons so newly arraigned; (4) whereby as well the King our sovereign lord, as also all other persons, have many times lost their escheats, and other advantages and forfeitures that they should have had by mean of the said attainders, to the great losses both of our said sovereign lord the King and other persons; and also the same offenders have had their clergy where they ought not so to have had, to the great boldness and encouraging of like offenders.

Clerks of assise, &c. shall certify into the King's bench the names of such as be outlawed, attainted or convicted of felony.

A transcript of an indictment delivered to the ordinary.

The clerk of the crown shall receive the certificates.

II. In consideration whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That the clerk of the crown, clerks of the peace, and clerks of assise for the time being, where any such attainder, outlawry or conviction shall be so had, shall from the feast of *Pentecost* next coming, not only certify a transcript briefly and in few words, containing the tenor and effect of every such indictment, outlawry or conviction, and clerk attainted before them so to be had, made or pronounced, that is to say, the name, surname and addition, of every such person or persons as shall be so indicted, and thereupon outlawed, convicted or clerk attainted, and the certainty of the said felony or other offence whereupon he or they shall be so outlawed, convicted or clerk attainted, and the day and place of his outlawry, conviction and attainder, and the day and place where and when the said felony or other offence, whereupon the said person or persons shall be so indicted, outlawed, convicted or clerk attainted, shall be made and done, before the King our sovereign lord in his bench at *Westminster* in the county of *Middlesex*, there to remain of record for ever amongst other the King's records there, within forty days next after any such attainder, conviction or outlawry shall be had, made or pronounced, if the term be then; and if not, then within twenty days next after the beginning of the term next following the said forty days; but also shall deliver a transcript of every such indictment whereupon the said person and persons shall fortune hereafter to be convicted, or clerks attainted, to the ordinary to whom the body of the said person or persons shall be so committed; (2) the said ordinary paying to every such clerk as shall write the said transcript, for every copy of such indictment xij. d. for his pains, (3) upon pain that every clerk of the crown, clerk of the peace and clerk of assise for the time being, before whom such indictment, attainder, outlawry or conviction shall be so had, made, pronounced or remain, for the non-certifying of every such record, and delivering the copy of such indictments to the said ordinaries according to this estatute, to lose and forfeit xl. s. the one moiety thereof to be to the King our sovereign lord, and the other moiety to him that will sue for the same by action of debt, bill, information or otherwise, in any of the King's courts of record, wherein no wager of law, essoin or protection shall be allowed. (4) And the clerk of the crown in the King's bench shall receive the said certificates and transcripts at such time as they shall be tendred and profered unto them by the said clerks of the crown, clerks of the peace and clerks of assise, or by their deputy

deputy or deputies, without taking any thing for the same, upon pain of forfeiture of the sum of forty shillings for every such certificate by him refused.

III. Provided always, and be it further enacted by the authority aforesaid, That if there be any more persons contained and named in any such indictment, other than such person so attainted, convicted or outlawed, that then such clerk of the crown, clerk of assize, clerk of the peace, with whom the record of such attainder, outlawry or conviction shall remain, shall, within the time before in this act limited, certify the transcript of such indictment, outlawry or conviction, only concerning such person or persons so indicted, attainted, outlawed or convicted, into the King's bench at *Westminster*, as is aforesaid; (2) which transcript so certified, shall be had and taken as good, effectual and available in law, to all intents, constructions and purposes, against such person and persons against whom it shall be so objected, alledged or pleaded, as if the very record thereof, whereupon he or they were so indicted, were there present.

No more names shall be certified than are attainted, convicted, &c.

IV. And be it enacted by the authority aforesaid, That the said clerk of the crown in the King's bench for the time being, shall at all such times as the justices of the gaol-delivery, or justices of peace in every county within this realm of *England*, do write unto him for the names of such persons which be so attainted by outlawry, or clerks attainted or convicted, and certified into the said bench of our said sovereign lord the King, shall incontinently without delay certify the said names and surnames of the said persons, with the causes why and wherefore they were convicted or attainted, unto the justices of gaol-delivery, or justices of peace, upon the pain and penalty to forfeit for every name of such persons which shall be so written for, and not certified by the said clerk of the crown of the King's bench to the said justices, xl. s.

The clerk of the crown shall certify the names of convicts to the justices.

V. Provided always, and be it further enacted, That this act nor any thing therein contained shall not extend to the clerks of the crown, clerks of the peace, clerks of gaol-delivery, neither to any of the prenotaries within the counties of *Wales* and *Chester*, or within the counties palatines of *Lancaster* and *Duresme*, or any of them, to make any transcript of any such attainder, conviction or outlawry of any person or persons convicted, attainted or outlawed before the King's justices of his counties of *Wales* nor *Chester*, or county of *Lancaster*, *Duresme*, or any of them; but that the same records shall and may remain and be in the custody and keeping of the said clerks and prenotaries, in such manner and wise as they are at this day; this act or any thing therein contained to the contrary notwithstanding.

No certificate out of *Wales*, *Chester*, *Lancaster*, *Durham*.

C A P. XV.

All gifts, grants and writings to be made by the bishop of *Bath* and *Wells*, under his seal, of any his lands, offices, fees, &c. and confirmed by the dean and chapter of *Wells* in writing under their chapter seal, shall be good in law to bind the successors

successors of the said bishop: and the dean and chapter of *Wells* shall be for ever the entire and sole chapter of the said bishoprick of *Bath* and *Wells*, wherof the prior and convent of the dissolved monastery of *Saint Peter* and *Paul* of *Bath* were heretofore the half part.

CAP. XVI.

An act for sheriffs to be discharged upon their accounts, and to have allowances for their reasonable expences in the court of exchequer.

This act is repealed in part, and seems to be continued in part, by 2 & 3 Ed. 6. c. 4. Sheriffs, upon their accounts made in the exchequer, shall be discharged of such sums of money which they will testify by their oaths they cannot levy; and they shall have allowances for the diet of the justices of assise, clerk of assise, and other their reasonable expences.

IN most humble wise beseech the King's majesty his true and faithful subjects, the commons in this present parliament assembled, that where the sheriffs for the most part of the counties within this realm of England stand and be charged and chargeable toward his Highness, by reason of their said offices of sheriffwike, with divers ancient fermes annexed unto the corps of the same counties; that is to say, with one ferme demanded of the sheriff of every of the said counties for the time being, in one whole sum under this title, *De vic. de rem. firm. comp. post terr. dat.* which ferme did, and yet partly doth, grow and accrue, as well of the issues and profits of such lands and tenements, as from the conquest unto the xi. year of the reign of King Edward the First, did remain in the hands of the King's most noble progenitors, and some of them do also yet remain in the hands of the King's majesty, under the charge and custody of the sheriffs of the same counties for the time being, as parcel of the ancient dememes and inheritances of the crown of England, not granted or given away, as also rents of assise, rents called common fines, sheriffs aids, and of other rents certain, belonging to the same ferme. And the other ferme demanded likewise in another whole sum; videlicet, *De vic. de firmo proficuo com.* which ferme did and yet partly doth rise and grow of the perquisite and profits of the courts holden by the sheriffs at the county days, sheriff's turns and hundreds, and of divers other casualties and profits, yearly happening and falling within the hundreds and wapentakes of the said several counties, parcel of the corps of the same counties of old time annexed to the said crown of England; and also stand and be charged and chargeable by reason of their said offices, with divers sums of money demanded of them severally for the fermes of divers purprestures, assertes, sergeantes, and minute rents, and other fermes exacted and demanded of the sheriff under the title or name of the sheriff, as in the rolls, and Memoranda of the King's court of his exchequer, more plainly it may appear; which fermes, and other sums of money before rehearsed, be not, nor of long time have been, wholly levied or gathered by any of the said sheriffs; but part of them have been yearly lost and not collected, partly because of the said sheriffs in times past have forbore to ask or demand the same, or for to restrain therefore, so that it is now not certainly known what lands or persons should be charged or chargeable therewith; and partly because great part of the lands and tenements, hundreds and wapentakes, out wherof part of the rents and profits belonging to the said several fermes did issue and grow, have been given by the King's highness, or his noble progenitors, to sundry persons, discharged of the same rents and profits, and yet none allowance