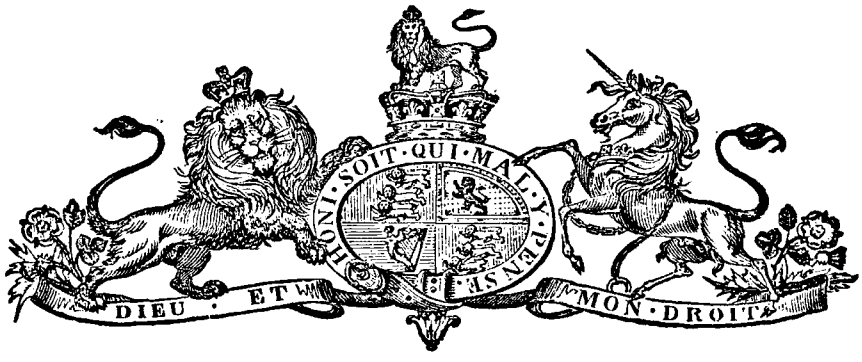



ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

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## C A P. CXXII.

## An Act to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of *England* and *Ireland*. [5th *July* 1865.]

WHEREAS it is expedient that the Subscriptions, Declarations, and Oaths required to be made and taken by the Clergy of the United Church of *England* and *Ireland* should be altered and simplified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**1.** The following Declaration is herein-after referred to as "the Declaration of Assent." Declaration of Assent.

'I *A.B.* do solemnly make the following Declaration:

'I assent to the Thirty-nine Articles of Religion, and to the Book 'of Common Prayer and of the ordering of Bishops, Priests, and 'Deacons. I believe the Doctrine of the United Church of England 'and Ireland, as therein set forth, to be agreeable to the Word of 'God; and in Public Prayer and Administration of the Sacraments



'I will

'I will use the Form in the said Book prescribed, and none other, 'except so far as shall be ordered by lawful Authority.'

The Declaration against Simony.

**2.** The following Declaration is herein-after referred to as "the Declaration against Simony:"

'I *A.B.* solemnly declare, That I have not made, by myself or 'by any other Person on my Behalf, any Payment, Contract, 'or Promise of any Kind whatsoever which to the best of my 'Knowledge or Belief is simoniacal, touching or concerning the 'obtaining the Preferment of

'nor will I at any Time hereafter perform or satisfy, in whole or 'in part, any such Kind of Payment, Contract, or Promise made 'by any other without my Knowledge or Consent.'

Stipendiary Curate's Declaration.

**3.** The following Declaration is herein-after referred to as "the Stipendiary Curate's Declaration:"

'I *A.B.*, Incumbent of in the County of 'bonâ fide undertake to pay to *C.D.* 'of in the County of the 'annual Sum of Pounds as a Stipend for his 'Services as Curate, and I *C.D.* bonâ fide intend to receive the 'whole of the said Stipend.

'And each of us the said *A.B.* and *C.D.* declare that no Abate-'ment is to be made out of the said Stipend in respect of Rent or 'Consideration for the Use of the Glebe House; and that I *A.B.* 'undertake to pay the same, and I *C.D.* intend to receive the same, 'without any Deduction or Abatement whatsoever.'

Subscription and Oaths on Ordination.

**4.** Every Person about to be ordained Priest or Deacon shall, before Ordination, in the Presence of the Archbishop or Bishop by whom he is about to be ordained, at such Time as he may appoint, make and subscribe the Declaration of Assent, and take and subscribe the Oath of Allegiance and Supremacy according to the Form set forth in the Act of the Session of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Forty-eight.

Subscription and Oaths on Institution to Benefice or Licence to a Perpetual Curacy, &c.

**5.** Every Person about to be instituted or collated to any Benefice, or to be licensed to any Perpetual Curacy, Lectureship, or Preachership, shall, before Institution or Collation is made or Licence granted, make and subscribe the Declaration of Assent, and the Declaration against Simony, and take the said Oath of Allegiance and Supremacy, in the Presence of the Archbishop or Bishop by whom he is to be instituted, collated, or licensed, or the Commissary of such Archbishop or Bishop.

**6.** Every

*Clerical Subscription.*

Declaration on taking Stipendiary Curacy.

**6.** Every Person about to be licensed to a Stipendiary Curacy shall, before obtaining such Licence, present to the Archbishop or Bishop by whom the Licence is to be granted, the Stipendiary Curate's Declaration, signed by himself and by the Incumbent of the Benefice to which he is about to be licensed.

Declaration after Institution or Collation.

**7.** Every Person instituted or collated to any Benefice with Cure of Souls, or licensed to a Perpetual Curacy, shall, on the first Lord's Day on which he officiates in the Church of such Benefice or Perpetual Curacy, or on such other Lord's Day as the Ordinary may appoint and allow, publicly and openly, in the Presence of the Congregation there assembled, read the Thirty-nine Articles of Religion, and immediately after reading the same make the said Declaration of Assent, adding, after the Words "Articles of Religion," in the said Declaration, the Words "which I have now read before you."

If any Person instituted, collated, or licensed as aforesaid wilfully fails to comply with the Provisions of this Section, he shall absolutely forfeit his Benefice or Perpetual Curacy, but no Title to present by Lapse shall accrue by any such Forfeiture until the Ordinary has given Six Months Notice thereof to the Patron.

Declaration after Licence to Stipendiary Curacy.

**8.** Every Person licensed to a Stipendiary Curacy shall, in the Presence of the Archbishop or Bishop by whom he was licensed, or of the Commissary of such Archbishop or Bishop, (unless, having been ordained on the same Day, he has already made and subscribed the same,) make and subscribe the Declaration of Assent, and on the first Lord's Day on which he officiates in the Church or in One of the Churches in which he is licensed to serve publicly and openly make the Declaration of Assent in the Presence of the Congregation there assembled, and at the Time of Divine Service.

If any Person licensed to a Stipendiary Curacy wilfully fails to comply with the Provisions of this Section his Licence shall be void.

No other Declaration or Oaths than those required by Act to be enforced.

**9.** Subject as herein-after mentioned, no Person shall, on or as a Consequence of Ordination, or on or as a Consequence of being licensed to any Stipendiary Curacy, or on or as a Consequence of being presented, instituted, collated, elected, or licensed to any Benefice with Cure of Souls, Perpetual Curacy, Lectureship, or Preachership, be required to make any Subscription or Declaration, or take any Oath, other than such Subscriptions, Declarations, and Oath as are required by this Act.

Declaration of Assent to be substituted in case

**10.** On all Occasions other than those herein-before provided for, on which any Declaration or Subscription with respect to the Thirty-nine

of other Ecclesiastical Appointments.

nine Articles or the Book of Common Prayer or the Liturgy is required to be made by any Person in Holy Orders appointed to any Ecclesiastical Dignity, Benefice, or Office, the making and subscribing the Declaration of Assent shall be substituted for the making any such Declaration or Subscription as aforesaid; and on all Occasions other than those herein-before provided, on which any Oath against Simony is required to be taken, the making and subscribing the Declaration against Simony shall be substituted for the taking such Oath.

Oaths not to be administered during Ordination or Consecration Services.

**11.** No Oath shall be administered during the Service for the Ordering of Deacons, or during the Service for the Ordering of Priests, or during the Service for the Consecration of Archbishops and Bishops.

Nothing to affect Oath of canonical Obedience to Bishops, &c.

**12.** Nothing in this Act contained shall extend to or affect the Oath of canonical Obedience to the Bishop, or the Oath of due Obedience to the Archbishop taken by Bishops on Consecration.

Extent of Act.

**13.** That this Act do extend to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and to the *Isle of Man*.

Short Title.

**14.** This Act may be cited for all Purposes as "The Clerical Subscription Act, 1865."

As to Repeal of Acts in Schedule.

**15.** The Enactments described in the Schedule hereto, and all Enactments amending, confirming, or continuing the same, and all other Enactments inconsistent with this Act, are hereby repealed.

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## SCHEDULE.

| Title of Act. | Description of repealed Enactments. |
|---|---|
| 28 Hen. 8. c. 15. (Irish). | The whole of Sections Nine and Ten. |
| 1 Eliz. c. 1.<br>An Act to restore to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign Powers repugnant to the same. | Sections * Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-three, so far as they relate to any Oath to be taken by a Person who is ordained or licensed to a Stipendiary Curacy, or presented, instituted, collated, elected, or licensed to any Benefice, Perpetual Curacy, Lectureship, or Preachership. |
| 2 Eliz. c. 1. (Irish).<br>An Act restoring to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign Power repugnant to the same. | Sections Seven, Eight, and Nine, so far as they relate to any Oath to be taken by a Person who is ordained or licensed to a Stipendiary Curacy, or presented, instituted, collated, elected, or licensed to any Benefice, Perpetual Curacy, Lectureship, or Preachership. |
| 13 Eliz. c. 12.<br>An Act for the Ministers of the Church to be of sound Religion. | The whole of Section Three, except the Words following: "No Person shall hereafter be admitted to any "Benefice with Cure, except he then be of the Age "of Three-and-twenty Years at the least, and a "Deacon."<br>And so much of Section Five as provides that no one shall be admitted to the Order of Deacon or Ministry unless he shall first subscribe to the said Articles. |
| 13 & 14 Chas. 2. c. 4.<br>An Act for the Uniformity of Public Prayers and Administration of Sacraments and other Rites and Ceremonies, and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England. | The whole of Sections Six, Eight, and Eleven, and Section Nineteen, except the Words following: "No "Person shall be or be received as a Lecturer, or "permitted, suffered, or allowed to preach as a "Lecturer, or to preach or read any Sermon or "Lecture in any Church, Chapel, or other Place "of Public Worship within this Realm of England, "or the Dominion of Wales and Town of Berwick-"upon-Tweed, unless he be first approved and "thereunto licensed by the Archbishop of the "Province or Bishop of the Diocese, or (in case "the See be void) by the Guardian of the Spiri-"tualities under his Seal." |
| 17 & 18 Chas. 2. c. 6. (Irish). | The whole of Sections Three, Five, and Six, and Section Eighteen, except the Words following: "That no Person shall be or be received as a "Lecturer, or permitted, suffered, or allowed to "preach as a Lecturer, or to preach or read any "Sermon or Lecture in any Church, Chapel, or "other Place of Public Worship within this Realm of "Ireland, unless he be first approved and thereunto "licensed by the Archbishop of the Province or "Bishop of the Diocese, or (in case the See be "void) by the Guardian of the Spiritualities under "his Seal." |

* The Numbers of the Sections correspond with the Numbers in the ordinary Editions of the Statutes.

*Clerical Subscription.*

| Title of Act. | Description of repealed Enactments. |
|---|---|
| 1 Wm. & Mary, c. 8. An Act for the abrogating the Oaths of Supremacy and Allegiance and appointing other Oaths. | The whole Act so far as relates to any Oath to be taken by any Person who is ordained or is licensed to a Stipendiary Curacy, or presented, instituted, collated, elected, or licensed to any Benefice, Perpetual Curacy, Lectureship, or Preachership. |
| 3 Will. & Mary, cap. 2. An Act for the abrogating the Oath of Supremacy in Ireland and appointing other Oaths. | So much of Section Four as relates to Persons admitted to any Ecclesiastical Office or Employment. |
| 1 Geo. 1. st. 2. c. 13. An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors. | Sections Two and Seven, so far as they relate to any Oath to be taken by any Person who is ordained or is licensed to a Stipendiary Curacy, or presented, instituted, collated, elected, or licensed to any Benefice, Perpetual Curacy, Lectureship, or Preachership. |
| 23 G. 2. c. 28. | The whole Act. |
| 1 & 2 Vict. c. 106. | Part of Section Eighty-one, beginning with the Words "and in every Case in which Application "shall be made" to the End of the Section. |

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