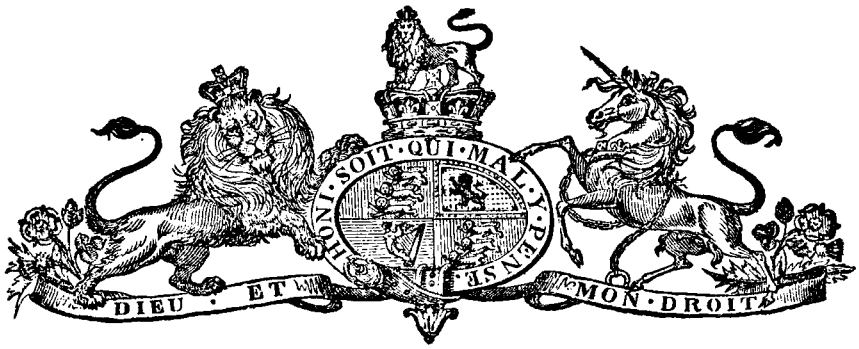


ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. LIX.

An Act to relieve Her Majesty's Subjects from certain Penalties and Disabilities in regard to Religious Opinions. [18th *August* 1846.]

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, That from and after the Commencement of this Act the Statutes or Ordinances and the several Acts herein-after mentioned, or so much and such Parts of any of the said Acts as are herein-after specified, shall be repealed; (that is to say,) Certain Acts and Parts of Acts repealed.

The Statute or Ordinance of the Fifty-fourth and Fifty-fifth Years of the Reign of King *Henry* the Third, and the Statute or Ordinance commonly called Statutum Judæismo:

Also so much of an Act passed in the Fifth and Sixth Years of the Reign of King *Edward* the Sixth, intituled *An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm*, as enacts, "that from and after the Feast of *All Saints* next coming all and every Person and Persons inhabiting within this Realm, or any other the King's Majesty's Dominions, shall diligently and faithfully, having no lawful or reasonable Excuse to be absent, endeavour themselves to resort to their 5 & 6 Edw. 6. c. 1., §§ 1, 2, 3, 4, 6.

Parish Church or Chapel accustomed, or, upon reasonable Let thereof, to some usual Place where Common Prayer and such Service of God shall be used in such Time of Let, upon every *Sunday*, and other Days ordained and used to be kept as holy Days, and then and there to abide orderly and soberly during the Time of Common Prayer, Preachings, or other Service of God there to be used and ministered, upon pain of Punishment by the Censures of the Church," so far the same affects Persons dissenting from the Worship or Doctrines of the United Church of *England* and *Ireland*, and usually attending some Place of Worship other than the Established Church: Provided always, that no pecuniary Penalty shall be imposed upon any Person by reason of his so absenting himself as aforesaid:

Also so much of the said Act as enacts, "that if any Manner of Person or Persons inhabiting and being within this Realm, or any other the King's Majesty's Dominions, shall, after the said Feast of *All Saints*, willingly and wittingly hear and be present at any other Manner or Form of Common Prayer, of Administration of the Sacraments, of making of Ministers in the Churches, or of any other Rites contained in the Book annexed to this Act, than is mentioned and set forth in the said Book, or that is contrary to the Form of sundry Provisions and Exceptions contained in the aforesaid former Statute, and shall be thereof convicted according to the Laws of this Realm, before the Justices of Assize, Justices of Oyer and Determiner, Justices of Peace in their Sessions, or any of them, by the Verdict of Twelve Men, or by his or their own Confession, or otherwise, shall, for the First Offence suffer Imprisonment for Six Months, without Bail or Mainprize, and for the Second Offence, being likewise convicted as is abovesaid, Imprisonment for One whole Year, and for the Third Offence, in like Manner, Imprisonment during his or their Lives:"

Also so much of the said Act as enacts, "that for the more Knowledge to be given hereof, and better Observation of this Law, all and singular Curates shall, upon One *Sunday* every Quarter of the Year, during One whole Year next following the foresaid Feast of *All Saints* next coming, read this present Act in the Church at the Time of the most Assembly, and likewise once in every Year following, at the same Time declaring unto the People, by the Authority of the Scripture, how the Mercy and Goodness of God hath in all Ages been shown to his People in their Necessities and Extremities, by means of hearty and faithful Prayers made to Almighty God, especially where People be gathered together with One Faith and Mind to offer up their Hearts by Prayer as the best Sacrifices that Christian Men can yield:"

Also so much of any Act or Acts of the Parliament of *Ireland* as may have extended to *Ireland* the Provisions of the said Act of the Fifth and Sixth Years of the Reign of King *Edward* the Sixth, so far as the same is hereby repealed:

Also so much of an Act passed in the First Year of the Reign of Queen *Elizabeth*, intituled *An Act to restore to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual,* 1 Eliz. c. 1.

and

and abolishing all Foreign Powers repugnant to the same, and of an Act of the Parliament of *Ireland* passed in the Second Year of the same Queen's Reign, intituled *An Act restoring to the Crown the auncient Jurisdiction of the State Ecclesiasticall and Spirituall, and abolishing all Forreinne Power repugnant to the same*, as makes it punishable to affirm, hold, stand with, set forth, maintain, or defend, as therein is mentioned, the Authority, Pre-eminence, Power, or Jurisdiction, Spiritual or Ecclesiastical, of any Foreign Prince, Prelate, Person, State, or Potentate theretofore claimed, used, or usurped within this Realm, or any Dominion or Country being within or under the Power, Dominion, or Obeisance of Her Highness, or to put in ure or execute any thing for the extolling, Advancement, setting forth, Maintenance, or Defence of any such pretended or usurped Jurisdiction, Power, Pre-eminence, and Authority, or any Part thereof, or to abet, aid, procure, or counsel any Person so offending: Provided always, and be it declared, that nothing in this Enactment contained shall authorize or render it lawful for any Person or Persons to affirm, hold, stand with, set forth, maintain, or defend any such Foreign Power, Pre-eminence, Jurisdiction, or Authority, nor shall the same extend further than to the Repeal of the particular Penalties and Punishments therein referred to, but in all other respects the Law shall continue the same as if this Enactment had not been made: Provided further, that if any Person in Holy Orders according to the Rites and Ceremonies of the United Church of *England* and *Ireland* shall affirm, hold, stand with, set forth, maintain, or defend any such Foreign Power, Pre-eminence, Jurisdiction, or Authority, such Person shall be incapable of holding any Ecclesiastical Promotion, and, if in possession of any such Promotion, may be deprived thereof by due Course of Law, in the same Manner as for any other Cause of Deprivation:

2 Eliz. c. 1. (I.)

Also so much of another Act passed in the First Year of the same Queen's Reign, intituled *An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments*, and of another Act of the Parliament of *Ireland* passed in the Second Year of the same Queen's Reign, intituled *An Act for the Uniformity of Common Prayer and Service in the Church, and the Administration of the Sacraments*, as relates to a Person's resorting to his Parish Church or Chapel accustomed, or, upon reasonable Let thereof, to some usual Place where Common Prayer and such Service of God as in such Acts are mentioned are used in such Time of Let, upon *Sundays* and other Days ordained and used to be kept as holy Days, and to his then and there abiding orderly and soberly during the Time of the Common Prayer, Preaching, or other Service of God there used and ministered:

1 Eliz. c. 2.

2 Eliz. c. 2. (I.)

Also an Act passed in the Fifth Year of the same Queen's Reign, intituled *An Act for the Assurance of the Queen's Royal Power over all Estates and Subjects within Her Dominions:*

5 Eliz. c. 1.

Also an Act passed in the Thirteenth Year of the same Queen's Reign, intituled *An Act against the bringing in and putting in execution of Bulls, Writings, or Instruments, and other superstitious*

13 Eliz. c. 2.

stitious Things, from the See of Rome, so far only as the same imposes the Penalties or Punishments therein mentioned; but it is hereby declared that nothing in this Enactment contained shall authorize or render it lawful for any Person or Persons to import, bring in, or put in execution within this Realm any such Bulls, Writings, or Instruments, and that in all respects, save as to the said Penalties or Punishments, the Law shall continue the same as if this Enactment had not been made:

29 Eliz. c. 6. Also an Act passed in the Twenty-ninth Year of the same Queen's Reign, intituled *An Act for the more speedy and due Execution of certain Branches of the Statute made in the Twenty-third Year of the Queen's Majesty's Reign, intituled 'An Act to retain the 'Queen's Majesty's Subjects in their due Obedience:'*

1 Jac. 1. c. 4. Also an Act passed in the First Year of the Reign of King *James* the First, intituled *An Act for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants, &c.:*

3 Jac. 1. c. 1. § 2. in part. Also so much of an Act passed in the Third Year of the Reign of the said King *James* the First, intituled *An Act for a public Thanksgiving to Almighty God every Year on the Fifth Day of* November, as enacts, "that all and every Person and Persons inhabiting within this Realm of *England* and the Dominions of the same shall always upon that Day diligently and faithfully resort to the Parish Church or Chapel accustomed, or to some usual Church or Chapel where the said Morning Prayer, Preaching, or other Service of God shall be used, and then and there to abide orderly and soberly during the Time of the said Prayers, Preaching, or other Service of God there to be used and ministered:"

3 Jac. 1. c. 4. Also an Act passed in the said Third Year of the said King *James*'s Reign, intituled *An Act for the better discovering and repressing of Popish Recusants:*

7 Jac. 1. c. 6. Also an Act passed in the Seventh Year of the same King's Reign, intituled *An Act for administering the Oath of Allegiance, and Reformation of married Women Recusants:*

13 & 14 Car. 2. c. 4. § 11. Also so much of an Act passed in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled *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, as makes any Schoolmaster or other Person instructing or teaching Youth in any private House or Family as a Tutor or Schoolmaster punishable for instructing or teaching any Youth as a Tutor or Schoolmaster before Licence obtained from his respective Archbishop, Bishop, or Ordinary of the Diocese, according to the Laws and Statutes of this Realm, and before such Subscription and Acknowledgment made as in the said Act is mentioned:

Also so much of the last-mentioned Act whereby any Act or Part of any Act herein-before repealed has been confirmed or kept in force:

And also so much of any Act or Acts of Parliament whereby the said Parts of the said Act of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second herein-before repealed

repealed have been confirmed or incorporated in any other Act or Acts of Parliament:

Also so much of an Act of the Parliament of *Ireland* passed in the Seventeenth and Eighteenth Years of the Reign of the said King *Charles* as requires that Schoolmasters or other Persons instructing or teaching Youth in private Houses or Families as Tutors or Schoolmasters should take the Oath of Allegiance and Supremacy, and as makes such Schoolmasters or other Persons punishable for so instructing or teaching Youth before Licence obtained from their respective Archbishop, Bishop, or Ordinary of the Diocese, and before such Subscription and Acknowledgment made as in the said Act is mentioned: 17 & 18 Car. 2. c. 6. § 6. (I.)

Also so much of an Act passed in the Thirtieth Year of the Reign of the said King *Charles*, intituled *An Act for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament*, as enacts that "every Person now or hereafter convicted of Popish Recusancy who hereafter shall, at any Time after the said First Day of *December*, come advisedly into or remain in the Presence of the King's Majesty or Queen's Majesty, or shall come into the Court or House where they or any of them reside, as well during the Reign of His present Majesty (whose Life God long preserve) as during the Reigns of any of His Royal Successors, Kings or Queens of *England*, shall incur and suffer all the Pains, Penalties, Forfeitures, and Disabilities in this Act mentioned or contained:" 30 Car. 2. st. 2. § 5. in part.

Also an Act of the Parliament of *Scotland* passed in the Eighth and Ninth Session of the First Parliament of King *William* the Third, intituled *An Act for preventing the Growth of Popery*, and all Laws, Statutes, and Acts of Parliament revived, ratified, and perpetually confirmed by the said Act of King *William*'s First Parliament, except as to the Form of the Formula in such last-mentioned Act contained: 8 & 9 W. 3. c. 3. (S.) and all Laws revived, ratified, and confirmed thereby.

Also an Act passed in the Eleventh and Twelfth Years of the Reign of the said King *William* the Third, intituled *An Act for the further preventing the Growth of Popery*: 11 & 12 W. 3. c. 4.

Also an Act passed in the First Year of the Reign of Queen *Anne*, intituled *An Act to oblige Jews to maintain and provide for their Protestant Children*: 1 Anne, st. 1. c. 30.

Also so much of an Act of the Parliament of *Ireland* passed in the Second Year of the Reign of the said Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*, as enacts "that if any Person or Persons shall seduce, persuade, or pervert any Person or Persons professing or that shall profess the Protestant Religion to renounce, forsake, or abjure the same, and to profess the Popish Religion, or reconcile him or them to the Church of *Rome*, then and in such Case every such Person and Persons so seducing, as also every such Protestant and Protestants who shall be so seduced, perverted, and reconciled to Popery, shall for the said Offences, being thereof lawfully convicted, incur the Danger and Penalty of Præmunire mentioned in the Statute of Præmunire made in *England* in the Sixteenth Year of the Reign of King *Richard* the Second:" 2 Anne, c. 6. § 1. (I.)

§ 3. Also so much of the said last-mentioned Act of Queen *Anne* as empowers the Court of Chancery to make such Order for the Maintenance of Protestant Children not maintained by their Popish Parents, suitable to the Degree and Ability of such Parents and to the Age of such Child, and also for the Portions of Protestant Children to be paid at the Decease of their Popish Parents, as that Court shall adjudge fit, suitable to the Degree and Ability of such Parents, and as empowers the said Court to make such Order for the educating in the Protestant Religion the Children of Papists, where either the Father or Mother of such Children shall be Protestants, till the Age of Eighteen Years of such Children, as to that Court shall seem meet, and in order thereto to limit and appoint where, and in what Manner, and by
§ 4. whom, such Children shall be educated; and as enacts that the Father of such Children shall pay the Charges of such Education as shall be directed by the said Court:

And an Act passed in the Eleventh Year of the Reign of King
11 G. 2. c. 17. *George* the Second, intituled *An Act for securing the Estates of Papists conforming to the Protestant Religion against Disabilities created by several Acts of Parliament relating to Papists; and for rendering more effectual the several Acts of Parliament made for vesting in the Two Universities in that Part of* Great Britain *called* England *the Presentation of Benefices belonging to Papists*, except so much of the said Act as relates to any Advowson, or Right of Presentation, Collation, Nomination, or Donation of or to any Benefice, Prebend, or Ecclesiastical Living, School, Hospital, or Donative, or any Grant or Avoidance thereof, or any Admission, Institution, or Induction to be made thereupon, but so as that the Repeal of the said Act shall not in anywise affect or prejudice the Right, Title, or Interest of any Person in or to any Lands, Tenements, or Hereditaments under and by virtue of the Provisions of the said Act at the Time of such Repeal:

Also so much of an Act of the Parliament of *Ireland* passed in the Seventeenth and Eighteenth Years of the Reign of King *George*
17 & 18 G. 3. c. 49. § 5. (I.) the Third, intituled *An Act for the Relief of His Majesty's Subjects of this Kingdom professing the Popish Religion*, as enacts "that no Maintenance or Portion shall be granted to any Child of a Popish Parent, upon a Bill filed against such Parent pursuant to the aforesaid Act of the Second of Queen *Anne*, out of the Personal Property of such Papist, except out of such Leases which they may hereafter take under the Powers granted in this Act:"

Also so much of an Act passed in the Eighteenth Year of the
18 G. 3. c. 60. § 5. Reign of the said King *George* the Third, intituled *An Act for relieving His Majesty's Subjects professing the Popish Religion from certain Penalties and Disabilities imposed on them by an Act made in the Eleventh and Twelfth Years of the Reign of King* William *the Third, intituled 'An Act for the further preventing the Growth of Popery,'* as enacts "that nothing in this Act contained shall extend or be construed to extend to any Popish Bishop, Priest, Jesuit, or Schoolmaster who shall not have taken and subscribed the above Oath in the above Words before

he shall have been apprehended, or any Prosecution commenced against him:"

Also so much of an Act of the Parliament of *Ireland* passed in the Twenty-third and Twenty-fourth Years of the Reign of the said King *George* the Third, intituled *An Act for extending the Provisions of an Act passed in this Kingdom in the Nineteenth and Twentieth Years of His Majesty's Reign, intituled 'An Act 'for naturalizing such Foreign Merchants, Traders, Artificers, 'Artizans, Manufacturers, Workmen, Seamen, Farmers, and 'others, as shall settle in this Kingdom,'* as excepts out of the Benefit of that Act Persons professing the Jewish Religion: 23 & 24 G. 3. c. 38. (I.)

Also so much of an Act passed in the Thirty-first Year of the Reign of the said King *George* the Third, intituled *An Act to relieve, upon Conditions and under Restrictions, the Persons therein described from certain Penalties and Disabilities to which Papists or Persons professing the Popish Religion are by Law subject*, as enacts "that nothing herein contained shall be construed to give any Ease, Benefit, or Advantage to any Person who shall, by Preaching, Teaching, or Writing, deny or gainsay the Oath of Allegiance, Abjuration, and Declaration herein-before mentioned and appointed to be taken as aforesaid, or the Declarations or Doctrines therein contained, or any of them:" 31 G. 3. c. 32. § 12.

Also so much of the said last-mentioned Act as provides and enacts, "that no Schoolmaster professing the Roman Catholic Religion shall receive into his School for Education the Child of any Protestant Father:" § 15.

Also so much of the said last-mentioned Act as provides and enacts, "that no Person professing the Roman Catholic Religion shall be permitted to keep a School for the Education of Youth until his or her Name and Description as a Roman Catholic Schoolmaster or Schoolmistress shall have been recorded at the Quarter or General Session of the Peace for the County or other Division or Place where such School shall be situated, by the Clerk of the Peace of the said Court, who is hereby required to record such Name and Description accordingly upon Demand by such Person, and to give a Certificate thereof to such Person as shall at any Time demand the same, and no Person offending in the Premises shall receive any Benefit of this Act:" § 16.

Also so much of an Act of the Parliament of *Ireland* passed in the Thirty-third Year of the Reign of the said King *George* the Third, intituled *An Act for the Relief of His Majesty's Popish or Roman Catholic Subjects of* Ireland, as provides, "that no Papist or Roman Catholic, or Person professing the Roman Catholic or Popish Religion, shall take any Benefit by or under this Act, unless he shall have first taken and subscribed the Oath and Declaration in this Act contained and set forth, and also the said Oath appointed by the said Act passed in the Thirteenth and Fourteenth Years of His Majesty's Reign, intituled *An Act to enable His Majesty's Subjects, of whatever Persuasion, to testify their Allegiance to Him in some One of His Majesty's Four Courts in* Dublin, *or at the General Sessions of the Peace, or at any Adjournment thereof, to be holden for the County, City, or Borough wherein such Papist or Roman Catholic, or Person professing* 33 G. 3. c. 21. § 14. (I.)

professing the Roman Catholic or Popish Religion, doth inhabit or dwell, or before the going Judge or Judges of Assize in the County wherein such Papist or Roman Catholic, or Person professing the Roman Catholic or Popish Religion, doth inhabit and dwell, in open Court:

33 G. 3. c. 44. Also an Act passed in the said Thirty-third Year of the Reign of the said King *George* the Third, intituled *An Act for requiring a certain Form of Oath of Abjuration and Declaration from His Majesty's Subjects professing the Roman Catholic Religion in that Part of* Great Britain *called* Scotland.

Jews to be subject to the same Laws as Protestant Dissenters in respect to Schools and Places of Worship.

II. And be it enacted, That from and after the Commencement of this Act Her Majesty's Subjects professing the Jewish Religion, in respect to their Schools, Places for Religious Worship, Education, and charitable Purposes, and the Property held therewith, shall be subject to the same Laws as Her Majesty's Protestant Subjects dissenting from the Church of *England* are subject to, and not further or otherwise.

Not to affect pending Suits.

III. Provided, That nothing in this Act contained shall affect any Action or Suit actually pending or commenced, or any Property now in Litigation, Discussion, or Dispute, in any of Her Majesty's Courts of Law or Equity.

Disturbing Religious Assemblies.

IV. That from and after the Commencement of this Act all Laws now in force against the wilfully and maliciously or contemptuously disquieting or disturbing any Meeting, Assembly, or Congregation of Persons assembled for Religious Worship, permitted or authorized by any former Act or Acts of Parliament, or the disturbing, molesting, or misusing any Preacher, Teacher, or Person officiating at such Meeting, Assembly, or Congregation, or any Person or Persons there assembled, shall apply respectively to all Meetings, Assemblies, or Congregations whatsoever of Persons lawfully assembled for Religious Worship, and the Preachers, Teachers, or Persons officiating at such last-mentioned Meetings, Assemblies, or Congregations, and the Persons there assembled.

Act may be amended, &c.

V. That this Act may be repealed, altered, or varied at any Time within this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1846.