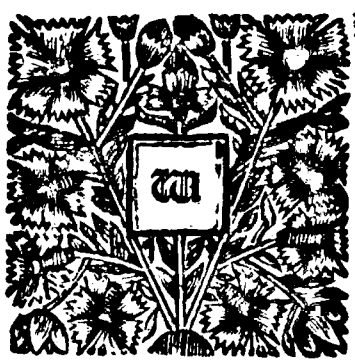
Anno Decimo

Annæ Reginæ.

c4-7 1711

An Act to Prevent the Diſturbing thoſe of the Epiſcopal Communion in that Part of *Great Britain* called *Scotland*, in the Exerciſe of their Religious Worſhip, and in the Uſe of the Liturgy of the Church of *England*; And for Repealing the Act paſſed in the Parliament of *Scotland*, Intituled, *Act againſt Irregular Baptiſms and Marriages*.



Whereas ſince the Aboliſhing of Epiſcopal Government in Scotland, thoſe of the Epiſcopal Perſwaſion there have been frequently Diſturbed and Interrupted in their Religious Aſſemblies, and their Miniſters Proſecuted for Reading the Engliſh Service in their Congregations, and for Adminiſtring the Sacraments, according to the Form and Manner preſcribed in the Liturgy of the Church of England; Be it therefore Enacted by the Queens moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That it ſhall be Free and Lawful for all thoſe of the Epiſcopal Communion in that Part of Great Britain called Scotland, to Meet and Aſſemble for the Exerciſe of Divine Worſhip, to be performed after their own Manner by Paſtors Ordained by a Proteſtant Biſhop, and who are not Eſtabliſhed Miniſters of any Church or Pariſh, and to Uſe in their Congregations the Liturgy of the Church of England, if they think fit, without any Let, Hindrance, or Diſturbance from any Perſon whatſoever; And all Sheriffs of Shires, Stewards of Stewartries, and Magiſtrates of Boroughs, and Juſtices of the Peace, are hereby ſtrictly Required to give all manner of Protection, Aid, and Aſſiſtance to ſuch Epiſcopal Miniſters, and thoſe of their own Communion, in their Meetings and Aſſemblies for the Worſhip

of God, held in any Town or Place, except Parish Churches, within the Extent and Jurisdiction of that Part of Great Britain called Scotland.

Provided always, and be it Enacted by the Authority aforesaid, That none shall presume to Exercise the Function of a Pastor in the said Episcopal Meetings and Congregations, except such as shall have received Holy Orders from the Hands of a Protestant Bishop; and that every Person who shall be called or appointed to be a Pastor or Minister of any Episcopal Congregation or Assembly, before he take upon him to Officiate as Pastor of the said Congregation, be hereby Obliged and Required to present his Letters of Orders to the Justices of Peace, at their General or Quarter Sessions to be held for the Shire, Stewartry, City, Town, or other Place in which the said Episcopal Congregation is or shall be; and that the said Letters of Orders be there Entred on Record by the Register or Clerk of the said Meeting of the Justices, for which there shall be no greater Fee or Reward taken than the Sum of One Shilling.

And be it further Enacted by the Authority aforesaid, That all Ministers of the Established Church of Scotland, and all and every Person and Persons, who is or are Pastor or Pastors, Minister or Ministers of any Episcopal Congregation in Scotland, shall be Obliged, and are hereby Required, on or before the First Day of August next to come, to Take and Subscribe the following Oaths, in such Manner, and under such Penalties, as all Officers, Civil and Military, in Scotland are Obliged to Take the Oath recited in the Fourteenth Act of the Sixth Year of her Majesties Reign, Intituled, An Act for the better Security of Her Majesties Person and Government: And that all Ministers of the Established Church of Scotland, hereafter to be admitted into their respective Churches or Benefices, and all and every Person and Persons, who shall hereafter be Pastor or Pastors, Minister or Ministers of any Episcopal Congregation, shall, before such Admission or Exercise of their respective Functions, be Obliged to Take and Subscribe likewise the following Oaths, in the same Manner, and under the same Penalties above mentioned.

I *A. B.* do sincerely Promise and Swear, That I will be Faithful, and bear true Allegiance to Her Majesty Queen *ANNE*: *So help me God.*

I *A. B.* do truly and sincerely Acknowledge, Profess, Testifie, and Declare in my Conscience, before God and the World, That our Soveraign Lady Queen *ANNE* is Lawful and Rightful Queen of this Realm, and of all other Her Majesties Dominions and Countries thereunto belonging. And I do solemnly and sincerely Declare, That I do believe in my Conscience, that the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*,

laird, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereunto belonging: And I do Renounce, Refuſe, and Abjure any Allegiance or Obedience to him. And I do Swear, That I will bear Faith and true Allegiance to Her Majeſty Queen *Anne*, and Her will Defend, to the Utmoſt of my Power, againſt all Traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt Her Perſon, Crown, or Dignity. And I will do my beſt Endeavour to Diſcloſe and make Known to Her Majeſty, and Her Succeſſors, all Treaſons and Traiterous Conſpiracies which I ſhall know to be againſt Her, or any of Them. And I do faithfully Promiſe, to the Utmoſt of my Power, to Support, Maintain, and Defend the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is and ſtands Settled [by an Act, Intituled, *An Act Declaring the Rights and Liberties of the Subject, and Settling the Succeſſion of the Crown*] to Her preſent Majeſty, and the Heirs of Her Body, being Proteſtants; And as the ſame [by One other Act, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*] is and ſtands Settled and Entailed, after the Deceaſe of Her Majeſty, and for Default of Iſſue of Her Majeſty, to the Princeſs *Sophia*, Electreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of Her Body, being Proteſtants. And all theſe things I do plainly and ſincerely Acknowledge and Swear, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and Underſtanding of the ſame Words, without any Equivocation, Mental Evaſion, or Secret Reſervation whatſoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promiſe, heartily, willingly, and truly, upon the true Faith of a Chriſtian:

So help me God.

Provided always, That the Aſſembly of Perſons for Religious Worſhip in the Epiſcopal Meetings, be held with Doors not Locked, Barred, or Bolted, during ſuch Aſſembly; and that nothing herein contained ſhall be Conſtrued to Exempt any of the Perſons Frequenting the ſaid Epiſcopal Congregations from Paying of Tythes or other Parochial Duties to the Church or Miniſter of the Pariſh to which they belong, and in which they reſide.

And whereas ſince the Eſtabliſhment of the Preſbyterian Government in Scotland, ſome Laws have been made by the Parliament in Scotland againſt the Epiſcopal Clergy of that Part of the United Kingdom, and particularly an Act paſſed in the Parliament held in the Year One thouſand ſix hundred ninety five, Intituled, Act againſt Irregular Baptiſms and Marriages, by which all Epiſcopal Miniſters, who were turned out of their Churches, are prohibited to Baptize any Children, or to Solemnize any Marriage upon Pain of Perpetual Impriſonment or Baniſhment: Be it therefore Enacted by the Authority aforeſaid, That the ſaid

Act abovementioned be hereby Repealed and Annulled; and that in all time coming no Person or Persons shall incur any Disability, Forfeiture, or Penalty whatsoever, upon account of his or their Resorting to the said Episcopal Meetings held for the Worship of God; and that it shall be Free and Lawful for all the Subjects in that Part of Great Britain called Scotland, to Assemble and Meet together for Divine Service, without any Disturbance, and to Settle their Congregations in what Towns or Places they shall think fit to choose, except Parish-Churches, and for the Episcopal Ministers, not only to Pray and Preach in the Episcopal Congregations, but to Administer the Sacraments, and Marry, without Incurring any Pain or Penalty whatsoever; Any Law or Statute to the contrary notwithstanding.

Provided always, That the Parents who have their Children Christned by Episcopal Ministers, be hereby obliged to Enter the Birth and Christning of their Children in the Register-Books for Christnings belonging to the respective Parishes in which they live: And Provided likewise, That no Episcopal Minister or Ministers, residing within that Part of the United Kingdom called Scotland, presume to Marry any Persons, but those whose Bans have been duly Published Three several Lords Days in the Episcopal Congregations which the Two Parties frequent, and in the Churches to which they belong as Parishioners, by virtue of their Residence; and that upon the same Pains and Punishments as are already inflicted by the Laws of Scotland in Cases of Clandestine Marriages; and the Ministers of the Parish-Churches are hereby obliged to Publish the said Bans: and in case of Neglect or Refusal, it shall be sufficient to Publish the said Bans in any Episcopal Congregation alone; Any Law, Statute, or Custom to the contrary notwithstanding.

Provided always, and it is the true Intent and Meaning of this Act, That all the Laws made against Prophaneness and Immorality, and for the Frequenting of Divine Services on the Lords Day, commonly called Sunday, shall be still in Force, and Executed against all Persons that Offend against the said Laws, or shall not Resort either to some Church, or to some Congregation or Assembly of Religious Worship, Allowed and Permitted by this Act.

Provided likewise, That neither this Act, nor any Clause, Article or Thing herein contained, shall Extend, or be construed to Extend to give any Ease, Benefit, or Advantage to any Papist or Popish Recusant whatsoever, or to any Person that shall Deny in his Preaching or Writing, the Doctrine of the Blessed Trinity.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, at any time after the Twenty fifth Day of March next to come, shall willingly, and of purpose, maliciously or contemptuously, come into any Congregation or Assembly of Religious Worship, Permitted by this Act, and Disquiet or Disturb the same, or give any Disturbance to the said Congregation, at

the Doors or Windows, or Misuse any Minister or Pastor of such Congregation, such Person or Persons, upon Proof thereof before Two Justices of the Peace, by Two or more sufficient Witnesses, shall find Two Sureties to be bound by Recognizance in the Penal Sum of Fifty Pounds Sterling, for his or their Appearance at the next General or Quarter Sessions, or before the Court of Justiciary, or other Judge or Judges competent, and in Default of such Sureties shall be committed to Prison, and upon Conviction of the said Offence, at the said General or Quarter Sessions, or before the said Court of Justiciary, or other Judge or Judges competent, shall forfeit the Sum of One hundred Pounds Sterling; one Moiety thereof to the Informer, the other to be disposed of for the Use of the Poor of the Parish where such Offence shall be committed; and if the Magistrates of any Town or Place, or others pretending to have Authority or Jurisdiction any where in Scotland, shall, in Contempt of this Law, Forbid or Hinder those of the Episcopal Perswasion from Meeting or Assembling together for Divine Worship, in the Places subject to their Jurisdiction, or shall shut up, or cause to be shut up the Doors of the Houses, or other Places where such Episcopal Assemblies are held, or intended to be held, such Magistrates and others so offending, upon Proof thereof before the Court of Justiciary, by Two or more sufficient Witnesses, shall forfeit the Sum of One hundred Pounds Sterling, to be distributed, as aforesaid.

And be it further Declared and Enacted by the Authority aforesaid, That no Civil Pain, or Forfeiture, or Disability whatsoever, shall be in any ways incurred by any Person or Persons, by Reason of any Excommunication or Prosecution in order to Excommunication by the Church Judicatories in that Part of Great Britain called Scotland; and all Civil Magistrates are hereby expressly prohibited and discharged to Force or Compel any Person or Persons to Appear when Summoned, or to give Obedience to any such Sentence when Pronounced; Any Law or Custom to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That every Minister and Preacher, as well of the Established Church in that Part of Great Britain called Scotland, as those of the Episcopal Communion, Protected and Allowed by this Act, shall at some time during the Exercise of the Divine Service in such respective Church, Congregation or Assembly, Pray in express Words for her most Sacred Majesty Queen Anne, and the most Excellent Princess Sophia, Electress and Dutchess Dowager of Hanover, while living, and all the Royal Family: And every such Minister or Preacher neglecting so to do, shall for the First Offence forfeit the Sum of Twenty Pounds Sterling, to be recovered and distributed in such manner as touching the other Penalties in this Act is herein before directed; and for the Second Offence every Minister of the Established Church in that Part of Great Britain called Scotland, being thereof Convicted by the Oaths of Two sufficient Witnesses before the Lords of Justiciary,

shall be ipso facto Deprived, and Declared Incapable of any Church or Ecclesiastical Living, during the Space of Three Years; and every Episcopal Minister Allowed and Protected by this Act, being thereof in like manner Convicted, shall from thenceforth Forfeit and Lose the Benefit of this Act, and be Declared Incapable of Officiating as Pastor of any Episcopal Congregation, during the Space of Three Years.

Provided always, That no Minister or Preacher Offending herein, shall suffer such Penalties, or either of them, unless he be Prosecuted for the same within the Space of Two Months after the Offence is Committed.

FINIS.