

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. VI.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments; and for extending the Times limited for those Purposes respectively, until the Twenty-fifth Day of *December* One thousand eight hundred and five, and to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors, to make and file the same on or before the First Day of *Michaelmas* Term One thousand eight hundred and five.

[22d *February* 1805.]

WHEREAS divers Persons, who on Account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oath or Assurance respectively appointed to be by such Persons taken and subscribed, in and by an Act, made in the First Year of the Reign of His late Majesty King *George* the First, of glorious Memory, intituled, *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*

Persons who have omitted to qualify themselves agreeable to 1 G. 1. st. 2. c. 13.

and his open and secret Abettors; or to have qualified themselves according to an Act, made in the Thirteenth Year of the Reign of King *Charles* the
13 C. 2. st. 2. c. 1. Second, intituled, *An Act for the well governing and regulating of Corporations*; or to have qualified themselves according to another Act, made in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled,
25 C. 2. st. 2. c. 2. *An Act for preventing the Dangers which may happen from Popish Recusants, by receiving the Sacrament of the Lord's Supper according to the Usage of the Church of* England, *and making and subscribing the Declaration against Transubstantiation therein mentioned*; or according to another Act, made in the Thirtieth Year of the Reign of King *Charles* the Second, intituled,
30 C. 2. st. 2. *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; or according to another Act, made in the Eighth Year of the Reign of His late
8 G. 1. c. 6. Majesty King *George* the First, intituled, *An Act for granting the People called* Quakers *such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*; or according to another Act, made in the Ninth Year of the Reign of His late Majesty King *George* the
9 G. 2. c. 26. Second, intituled, *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act, passed in the Second Year of the Reign of His present Majesty, as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions, and also for enlarging the Time limited by Law, for making and subscribing the Declaration against Transubstantiation, and for allowing a further Time for Inrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees*; or according to another Act, made in the Eighteenth Year of the Reign of His late Ma-
18 G. 2. c. 20. jesty King *George* the Second, intituled, *An Act to amend and render more effectual an Act, passed in the Fifth Year of His present Majesty's Reign, intituled, 'An Act for the further Qualification of Justices of the Peace;'* or according to another Act, made in the Sixth Year of the Reign of His
and 6 G. 3. c. 53. present Majesty, intituled, *An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act, made in the Seventh Year of the Reign of Her late Majesty Queen* Anne, intituled, *'An Act for the Improvement of the Union of the Two Kingdoms,' as, after the Time therein limited, requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason, or Misprison of Treason*; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the said Oaths and Assurance, and make and subscribe the Declaration required by Law, or otherwise to qualify themselves as aforesaid, within such Time, and in such Manner, as in and by the said Acts respectively or by any other Act of Parliament in that Behalf made, is required, whereby they have incurred, or may be in Danger of incurring, divers Penalties and Disabilities: For quieting the Minds of His Majesty's Subjects, and for preventing any Inconveniencies that might otherwise happen by Means of such Omissions; be it enacted by the King'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,
before the passing of this Act; That all and every Person or Persons, who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the said Oaths and Declarations or to receive the Sacrament of the Lord's Supper, or otherwise to qualify him, her, or themselves, within such Time, and

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In such Manner, as in and by the said Acts, or any of them, or by any other Act of Parliament in that Behalf made, is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing on Account of which such Qualifications ought to have been had, and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths, or made the Declarations required by Law, and also received the Sacrament of the Lord's Supper, according to the Usage of the Church of *England*, or who, on or before the Twenty-fifth Day of *December* One thousand eight hundred and five, shall take and subscribe the said Oaths, Declarations, and Assurance respectively, in such Cases wherein by Law the said Oaths, Declarations, and Assurance, ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places as are appointed in and by the said Act, made in the First Year of the Reign of His said late Majesty King *George* the First, or by any other Act or Acts of Parliament in that Behalf made and provided, and also hath or have received, or shall, on or before the said Twenty-fifth Day of *December* One thousand eight hundred and five, receive the Sacrament of the Lord's Supper, according to the Usage of the Church of *England*, in such Cases wherein the said Sacrament ought to have been received, and hath or have made and subscribed, or shall, on or before the said Twenty-fifth Day of *December* One thousand eight hundred and five, make and subscribe the said Declaration against Transubstantiation, and also hath or have made and subscribed, or shall, on or before the said Twenty-fifth Day of *December* One thousand eight hundred and five, make and subscribe the said Declaration in the said Statute, made in the Thirtieth Year of King *Charles* the Second, in such Cases wherein the said Declarations ought to have been made and subscribed, or take and subscribe the Oath directed by the said Act made in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, in such Cases wherein the said Oath ought to have been taken and subscribed, in such Manner as by the said Act is directed, shall be, and are hereby indemnified, freed, and discharged, from and against all Penalties, Forfeitures, Incapacities, and Disabilities, incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or receiving the Sacrament, or making or subscribing the said Declarations, or taking or subscribing the said Oath according to the above mentioned Acts, or any of them, or any other Act or Acts; and such Person and Persons is and are, and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they, were in before such Neglect or Omission, and shall be deemed and adjudged to have duly qualified him, her, or themselves, according to the above mentioned Acts, and every of them; and that all Elections of, and Acts done or to be done by any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same, or any of them, would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and received the Sacrament of the Lord's Supper, and made and subscribed the said Declarations, and taken and subscribed the said Oath according to the Directions of the said Acts, and every or any of them; and that the Qualification of such Person or Persons, qualifying themselves in Manner and within the Time appointed by this Act, shall be, to all Intents and Purposes, as effectual as if such Person or Persons had respectively taken

and who shall on or before *Dec.* 25, 1805, qualify themselves;

shall be indemnified against Forfeitures.

the ſaid Oaths and Aſſurance, and received the Sacrament, and made and ſubſcribed the ſaid Declaration, and taken and ſubſcribed the ſaid Oath, within the Time and in the Manner appointed by the ſeveral Acts before mentioned.

Perſons neglecting to qualify themſelves agreeable to the *Iriſh* Act 2 *Anne*, and who ſhall qualify on or before *December* 25, 1805, ſhall be indemnified.

II. And whereas ſeveral Perſons well affected to His Majeſty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been by Sickneſs or other unavoidable Cauſes, prevented from taking and ſubſcribing the Declaration, and from receiving the Sacrament of the Lord's Supper, and delivering a Certificate thereof according to the Directions of an Act paſſed in the Parliament of *Ireland* in the Second Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act to prevent the further Growth of Popery*; be it therefore further enacted, That all Perſons who have incurred any Penalty or Incapacity in the ſaid recited Act mentioned, by neglecting to qualify themſelves according to the ſaid Act, ſhall be, and are hereby indemnified, freed, and diſcharged from all Incapacities, Diſabilities, Penalties, and Forfeitures, incurred by reaſon of ſuch Omiſſion or Neglect as aforeſaid; and that no Act done by any of them not yet avoided, ſhall be queſtioned or avoided by reaſon of ſuch Omiſſion or Neglect, but that all ſuch Acts ſhall be, and are hereby declared to be good and effectual, as if ſuch Perſons reſpectively had taken and ſubſcribed the ſaid Oath, and received the ſaid Sacrament, and delivered the Certificate thereof, and made and repeated and ſubſcribed the ſaid Declaration, at ſuch Time, Place, and Manner, as in the ſaid Act is mentioned; any Thing in the ſaid Act to the contrary notwithſtanding: Provided always, that ſuch Perſon or Perſons do and ſhall take and ſubſcribe the ſaid Oaths, and make, repeat, and ſubſcribe the ſaid Declaration, in ſuch Manner and Form, and in ſuch Place or Places reſpectively as are directed and appointed by the ſaid laſt recited Act, on or before the Twenty-fifth Day of *December* One thouſand eight hundred and five.

Not to indemnify any Perſon for any Penalty incurred by neglecting to qualify himſelf.

III. Provided always, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to indemnify any Perſon againſt whom final Judgement ſhall have been given, in any Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, for any Penalty incurred by having neglected to qualify himſelf within the Time limited by Law.

Not to exempt Juſtices acting without legal Qualification.

IV. Provided always, and be it further enacted, That nothing contained in this Act ſhall extend, or be conſtrued to exempt any Juſtice of the Peace within *Great Britain* from the Penalties to which he is ſubject for acting as ſuch without being poſſeſſed of the Qualification required by the Laws now in force.

Perſons producing Appointments and Admiſſions before *Dec.* 25, 1805.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other publick Officers, and the Admiſſions of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain*, or the Entries of ſuch Admiſſions in the Court Books, Rolls, or Records of ſuch Cities, Corporations, and Borough Towns, which by ſeveral Acts of Parliament are directed and required to be ſtamped, may not have been provided, or the ſame not ſtamped, or may have been loſt or miſlaid; be it further enacted, That, for the Relief of ſuch Perſons whoſe Appointments and Admiſſions, or the Entries of whoſe Admiſſions

as aforeſaid, may not have been provided, or not duly ſtamped, or where the ſame have been loſt or miſlaid, it ſhall and may be lawful to and for ſuch Perſons in *Great Britain*, on or before the Twenty-fifth Day of *December* One thouſand eight hundred and five, to provide or cauſe to be provided, Appointments, and Admiſſions, or Entries of Admiſſions, as aforeſaid, duly ſtamped; or, in caſe where ſuch Appointments, Admiſſions, or Entries of Admiſſions, as aforeſaid, have been made or provided, but have not been duly ſtamped, to produce ſuch Appointments, Admiſſions, or Entries of Admiſſions, as aforeſaid, to the Commiſſioners appointed to inſpect and manage the Revenues of the Stamp Duties to be duly ſtamped; which ſuch Commiſſioners are hereby authorized, empowered, and required, to duly ſtamp, on Payment of the Duties firſt payable, or to have been paid on ſuch Appointments, Admiſſions, or Entries of Admiſſions, as aforeſaid, without any Fine or Forfeiture thereon; and ſuch Perſons ſo providing Appointments, Admiſſions, or Entries of Admiſſions, as aforeſaid, duly ſtamped, or procuring the ſame to be duly ſtamped, in Manner aforeſaid, are and ſhall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, or other Publick Officer, or Member or Members, Officer or Officers of ſuch Cities, Corporations, and Borough Towns reſpectively, to all Intents and Purpoſes; and ſhall and may hold and enjoy and execute ſuch Offices, or any other Office or Offices into which he or they hath or have been elected, notwithſtanding his or their Omiſſion, or the Omiſſion of any of their Predeceſſors, in ſuch Cities, Corporations, or Borough Towns, as aforeſaid; and ſhall be indemnified and diſcharged of and from all Incapacities, Diſabilities, Forfeitures, Penalties, and Damages by reaſon of any ſuch Omiſſion, and none of his or their Acts ſhall be queſtioned or avoided by reaſon of the ſame.

ſhall be confirmed, and qualified to act as Clerk, Officer, or Member of Corporations, *etc.*

may enjoy all Offices into which they have been elected; and ſhall be indemnified from all Penalties, and Damages incurred by reaſon of Omiſſions.

VI. Provided always, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to reſtore or entitle any Perſon or Perſons to any Office or Employment, Benefice, Matter, or Thing whatſoever, already actually avoided by Judgement of any of His Majeſty's Courts of Record, or already legally filled up and enjoyed by any other Perſon; but that ſuch Office or Employment, Benefice, Matter, or Thing, ſo avoided, or legally filled up and enjoyed, ſhall be and remain in and to the Perſon or Perſons who is or are now, or ſhall, at the paſſing of this Act, be legally entitled to the ſame, as if this Act had never been made.

Not to extend to reſtore Perſons to any Office avoided by Judgment.

VII. And whereas many Perſons have omitted to cauſe Affidavits to be made, and afterwards to be filed in the proper Office, of the actual Execution of ſeveral Contracts in Writing entered into by them to ſerve as Clerks to Attornies or Solicitors in *Great Britain*; and ſuch Contract, and the Indenture thereof, to be inrolled within the Time in which the ſame ought to have been done, and many Infants, and others, may thereby incur certain Diſabilities; for preventing thereof, and relieving ſuch Perſons, be it enacted, That every Perſon who, at the paſſing of this Act, ſhall have neglected or omitted to cauſe any ſuch Affidavit or Affidavits as aforeſaid to be made and filed, or ſuch Contract or Indenture to be inrolled, and who, on or before the Firſt Day of *Michaelmas* Term One thouſand eight hundred and five, ſhall cauſe ſuch Contract or Indenture to be inrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made, and afterwards to be filed in ſuch Manner as the ſame ought to have been made and filed, in due Time, ſhall be, and is hereby

Perſons who ſhall cauſe Affidavits to be filed before *Michaelmas* Term 1805,

Indemnified and discharged from Penalties.

hereby indemnified, freed and discharged, from and against all Penalties, Forfeitures, Incapacities, and Disabilities, in or by any Act or Acts of Parliament mentioned, and incurred, or to be incurred, for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the said First Day of *Michaelmas* Term One thousand eight hundred and five, shall be as effectual, to all Intents and Purposes, as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed.

Persons prosecuted, and hereby meant to be indemnified, may plead the General Issue.

VIII. And be it further enacted, That in case any Action, Suit, Bill of Indictment, or Information, shall, from and after the passing of this Act, be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on Account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence, give this Act, and the special Matter in Evidence upon any Trial to be had thereupon.

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