

ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. XL.

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 *March* One thousand eight hundred and nine, 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 *Hilary* Term One thousand eight hundred and nine.

[14th *April* 1808.]

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 Misprision 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

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 *March* One thouſand eight hundred and nine, 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 *March* One thouſand eight hundred and nine, 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 ought to have made and ſubſcribed, or ſhall, on or before the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and nine, 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 *March* One thouſand eight hundred and nine, 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 Declaration 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 the

and who ſhall on or before March 25, 1809, 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 of 2 Anne and who shall qualify on or before December 25, 1809, 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 *March* One thousand eight hundred and nine.

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, 1809.

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 *March* One thouſand eight hundred and nine, 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 in order to denote the ſaid Duties the ſaid Commiſſioners are hereby authorized and empowered to uſe ſuch Stamps as ſhall have been heretofore provided to denote any former Duties on Stamped Vellum, Parchment, and Paper, or to cauſe new Stamps to be provided for that Purpoſe, and to do all other Things neceſſary for putting this Act in Execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in Execution any former Law concerning Stamped Vellum, Parchment, and Paper; 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, &c.

may enjoy all Offices into which they have been elected; and ſhall be indemnified from all Penalties, and Damage 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 Perſon to any Office avoided by Judgement.

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

Perſons who ſhall cauſe Affidavits to be filed before Michaelmas Term 1809,

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 *Hilary* Term One thousand eight hundred and nine, 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 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 First Day of *Hilary* Term One thousand eight hundred and nine, 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.

indemnified and discharged from Penalties.

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.

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

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