

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

****

CAP. XIV.

An Act to indemnify ſuch Perſons in the United Kingdom as have omitted to qualify themſelves for Offices and Employments, and for extending the Time limited for thoſe Purpoſes reſpectively, until the Twenty-fifth Day of *March* One thouſand eight hundred and eighteen; 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 eighteen.

[21ſt *March* 1817.]

WHEREAS divers Perſons, who, on account of their Offices, Places, Employments, or Profeſſion, 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 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 Second,

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

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 Enrolment 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 Inconveniences 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, That all and before the paſſing of this Act; 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,

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 eighteen, 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 eighteen, 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 eighteen, 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 eighteen, 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 Declaration, 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 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.

and who ſhall on or before March 25, 1818, qualify themſelves,

ſhall be indemnified againſt Forfeitures.

II. And

Perſons neglecting to qualify themſelves agreeable to the Iriſh Act 2 Anne, and who ſhall qualify on or before March 25, 1818, 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 eighteen.

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 extend 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 March 25, 1818.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admiſſion 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 eighteen, 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 public 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 Judgment 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 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, Scriveners or public Notaries, 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 enrolled, and who, on or before the Firſt Day of *Hilary*

Perſons who ſhall cauſe Affidavits to be filed before Hilary Term 1818.

Term One thouſand eight hundred and eighteen, ſhall cauſe ſuch Contract or Indenture to be enrolled 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 eighteen, 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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