

ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

****

CAP. V.

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 certain of those Purposes respectively, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-two; 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 twenty-two, and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

[24th *March* 1821.]

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

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

13 C. 2. st. 2. c. 1.

25 C. 2. st. 2. c. 2.

30 C. 2. st. 2.

8 G. 1. c. 6.

9 G. 2. c. 26.

18 G. 2. c. 20.

and 6 G. 3. c. 53.

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, 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 *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 *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 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 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 Majesty 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 late Majesty King *George* the Third, 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 Inconvenience that might

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 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 twenty-two, 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 twenty-two, 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 twenty-two, 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 twenty-two, 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 to 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,

before the passing of this Act;

and who shall on or before March 25, 1822, qualify themselves,

shall be indemnified against Forfeitures.

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.

Persons neglecting to qualify themselves agreeably to the Irish Act 2 Anne, and who shall qualify on or before March 25, 1822, 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 twenty-two.

Persons acting as Trustees for Roads, not having the Qualification, indemnified.

III. And whereas several Persons have inadvertently, and without any corrupt or interested Motives, acted as Trustees in the Execution of divers Acts of Parliament for the making or repairing of divers Turnpike Roads in *England*, without being possessed of the Qualifications required respectively by the several Acts of Parliament under which such Persons were appointed or elected to be Trustees, and without having taken and subscribed the Oaths or Affirmations of

their Qualifications required by such Acts respectively; be it further enacted, That all Persons who have incurred any Penalty or Incapacity mentioned in or inflicted by any Act or Acts of Parliament for the making or repairing of any Turnpike Road or Roads in *England*, by acting as Trustees in the Execution of any such Act or Acts without being possessed of the Qualifications required by any such Act or Acts respectively, or by neglecting to take and subscribe any Oath or Affirmation required to qualify them as such Trustees, according to any such Act or Acts respectively, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures, incurred by reason of such acting, or of such Omission or Neglect as aforesaid; and that no Act, Matter, or Thing, done by any of them in the Execution of any such Act or Acts of Parliament, and not yet avoided, shall be questioned or avoided by reason of such acting, or of such Omission or Neglect as aforesaid, but that all such Acts, Matters, and Things shall be, and are hereby declared to be, as good and effectual to all Intents and Purposes whatsoever, as if such Persons respectively had been duly qualified to act as such Trustees, and had taken and subscribed such Oaths or Affirmations at such Place and in such Manner as is required respectively by the several Acts under which such Persons shall have acted as Trustees as aforesaid; any thing in the said Acts, or any of them, to the contrary thereof in anywise notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the Oaths or Affirmations of Qualification required by the respective Act or Acts under which such Person or Persons shall act as a Trustee or Trustees, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said Acts respectively, before any such Person or Persons shall act as such Trustee or Trustees at any Time after the Expiration of Two Calendar Months next after the passing of this Act.

Not to indemnify Persons against whom final Judgment is given.

IV. 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 Judgment 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.

V. 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, 1822, shall be confirmed, and qualified to

VI. 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* and *Ireland*, 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,

act as Clerk, Officer, or Member of Corporations, &c. and may enjoy all Offices into which they have been elected, and shall be indemnified from all Penalties and Damage incurred by reason of Omissions.

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* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and twenty-two, 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.

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

VII. 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.

VIII. And

VIII. 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 enrolled within the Time in which the same ought to have been done; and many Solicitors, Attornies, Notaries, and others, may have omitted to take out annual Certificates, or to enter the same in the proper Office, 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 *Hilary* Term One thousand eight hundred and twenty-two, 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 twenty-two, 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; and that the respective Officer or Officers who ought to receive, file, enter, or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter, or register the same, by reason that the Attorney, Solicitor, or Notary Public, to whom such Infant or other Person shall have been articled or have contracted to serve, shall have neglected to take out his annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such Omission; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Public Notary or Public Notaries, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor, or Public Notary, by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his annual Certificate or to register the same; provided that such Person is otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

Persons who shall cause Affidavits of having served as Clerks to Attornies, &c. to be filed before Hilary Term 1822, indemnified and discharged from Penalties.

IX. 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

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

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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