

ANNO NONO

GEORGII IV. REGIS.

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CAP. XVII.

An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments. [9th *May* 1828.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations:* 13 C. 2. st. 2. c. 1.
And whereas another Act was passed in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled *An Act for preventing Dangers which may happen from Popish Recusants:* 25 C. 2. c. 2.
And whereas another Act was passed in the Sixteenth Year of the Reign of King *George* the Second, intituled *An Act to indemnify Persons who have omitted to qualify themselves for Offices and Employments within the Time limited by Law, and for allowing further Time for that Purpose; and also for amending so much of an Act made in the Twenty-fifth Year of the Reign of King* Charles *the Second, intituled 'An Act for preventing Dangers which may happen from Popish Recusants,' as relates to the Time for receiving the Sacrament of the Lord's Supper now limited by the said Act:* 16 G. 3. c. 30.
And whereas it is expedient that so much of the said several Acts of Parliament as imposes the Necessity of taking the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, for the Purposes therein respectively mentioned, should be repealed; be it therefore enacted by the King's most Excellent

So much of recited Acts as require the Persons therein described to receive the Sacrament, for certain Purposes, repealed.

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 so much and such Parts of the said several Acts passed in the Thirteenth and Twenty-fifth Years of the Reign of King *Charles* the Second, and of the said Act passed in the Sixteenth Year of the Reign of King *George* the Second, as require the Person or Persons in the said Acts respectively described to take or receive the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, for the several Purposes therein expressed, or to deliver a Certificate or make Proof of the Truth of such his or their receiving the said Sacrament in manner aforesaid, or as impose upon any such Person or Persons any Penalty, Forfeiture, Incapacity, or Disability whatsoever for or by reason of any Neglect or Omission to take or receive the said Sacrament, within the respective Periods and in the Manner in the said Acts respectively provided in that Behalf, shall, from and immediately after the passing of this Act, be and the same are hereby repealed.

Declaration to be made in lieu of the Sacramental Test.

II. And whereas the Protestant Episcopal Church of *England* and *Ireland*, and the Doctrine, Discipline, and Government thereof, and the Protestant Presbyterian Church of *Scotland*, and the Doctrine, Discipline, and Government thereof, are by the Laws of this Realm severally established, permanently and inviolably: And whereas it is just and fitting, that on the Repeal of such Parts of the said Acts as impose the Necessity of taking the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, as a Qualification for Office, a Declaration to the following Effect should be substituted in lieu thereof; be it therefore enacted, That every Person who shall hereafter be placed, elected, or chosen in or to the Office of Mayor, Alderman, Recorder, Bailiff, Town Clerk, or Common Councilman, or in or to any Office of Magistracy, or Place, Trust, or Employment relating to the Government of any City, Corporation, Borough, or Cinque Port within *England* and *Wales* or the Town of *Berwick-upon-Tweed*, shall, within One Calendar Month next before or upon his Admission into any of the aforesaid Offices or Trusts, make and subscribe the Declaration following:

Form of Declaration.

'I *A.B.* do solemnly and sincerely, in the Presence of God, profess, testify, and declare, upon the true Faith of a Christian, That I will never exercise any Power, Authority, or Influence which I may possess by virtue of the Office of to injure or weaken the Protestant Church as it is by Law established in *England*, or to disturb the said Church, or the Bishops and Clergy of the said Church, in the Possession of any Rights or Privileges to which such Church, or the said Bishops and Clergy, are or may be by Law entitled.'

Declaration to be subscribed before Magistrates, &c.

III. And be it enacted, That the said Declaration shall be made and subscribed as aforesaid, in the Presence of such Person or Persons respectively, who, by the Charters or Usages of the said respective Cities, Corporations, Boroughs, and Cinque Ports, ought to administer the Oath for due Execution of the said Offices or Places respectively, and in default of such, in the Presence of Two Justices of the Peace of the said Cities, Corporations, Boroughs, and Cinque Ports, if such

there be, or otherwise in the Presence of Two Justices of the Peace of the respective Counties, Ridings, Divisions, or Franchises wherein the said Cities, Corporations, Boroughs, and Cinque Ports are; which said Declaration shall either be entered in a Book, Roll, or other Record, to be kept for that Purpose, or shall be filed amongst the Records of the City, Corporation, Borough, or Cinque Port.

In case of Neglect to make the Declaration, Election to be void.

IV. And be it enacted, That if any Person, placed, elected, or chosen into any of the aforesaid Offices or Places, shall omit or neglect to make and subscribe the said Declaration in manner above mentioned, such Placing, Election, or Choice shall be void; and that it shall not be lawful for such Person to do any Act in the Execution of the Office or Place into which he shall be so chosen, elected, or placed.

Persons admitted into any Office which heretofore required the taking of the Sacrament, shall make the Declaration within Six Months, or the Appointment be void.

V. And be it further enacted, That every Person who shall hereafter be admitted into any Office or Employment, or who shall accept from His Majesty, His Heirs and Successors, any Patent, Grant, or Commission, and who by his Admittance into such Office or Employment or Place of Trust, or by his Acceptance of such Patent, Grant, or Commission, or by the Receipt of any Pay, Salary, Fee, or Wages by reason thereof, would by the Laws in force immediately before the passing of this Act have been required to take the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, shall, within Six Calendar Months after his Admission to such Office, Employment, or Place of Trust, or his Acceptance of such Patent, Grant, or Commission, make and subscribe the aforesaid Declaration, or in Default thereof his Appointment to such Office, Employment, or Place of Trust, and such Patent, Grant, or Commission, shall be wholly void.

Declaration to be made in the Court of Chancery or King's Bench, or at the Quarter Sessions.

VI. And be it further enacted, That the aforesaid Declaration shall be made and subscribed in His Majesty's High Court of Chancery, or in the Court of King's Bench, or at the Quarter Sessions of the County or Place where the Person so required to make the same shall reside; and the Court in which such Declaration shall be so made and subscribed shall cause the same to be preserved among the Records of the said Court.

Proviso as to Naval and Military Officers under certain Rank, and to Officers of the Revenue.

VII. Provided always, That no Naval Officer below the Rank of Rear Admiral, and no Military Officer below the Rank of Major General in the Army or Colonel in the Militia, shall be required to make or subscribe the said Declaration, in respect of his Naval or Military Commission; and that no Commissioner of Customs, Excise, Stamps, or Taxes, or any Person holding any of the Offices concerned in the Collection, Management, or Receipt of the Revenues which are subject to the said Commissioners, or any of the Officers concerned in the Collection, Management, or Receipt of the Revenues subject to the Authority of the Postmaster General, shall be required to make or subscribe the said Declaration, in respect of their said Offices or Appointments: Provided also, that nothing herein contained shall extend to require any Naval or Military Officer, or other Person as aforesaid, upon whom any Office, Place, Commission, Appointment, or

or Promotion shall be conferred during his Absence from *England*, or within Three Months previous to his Departure from thence, to make and subscribe the said Declaration until after his Return to *England*, or within Six Months thereafter.

Persons now in Possession of any Office which heretofore required the taking of the Sacrament, confirmed in such Possession, and indemnified from Penalties.

VIII. And be it further enacted, That all Persons now in the actual Possession of any Office, Command, Place, Trust, Service, or Employment, or in the Receipt of any Pay, Salary, Fee, or Wages, in respect of or as a Qualification for which, by virtue of or under any of the before-mentioned Acts or any other Act or Acts, they respectively ought to have heretofore taken or ought hereafter to receive the said Sacrament of the Lord's Supper, shall be and are hereby confirmed in the Possession and Enjoyment of their said several Offices, Commands, Places, Trusts, Services, Employments, Pay, Salaries, Fees, and Wages respectively, notwithstanding their Omission or Neglect to take or receive the Sacrament of the Lord's Supper in manner aforesaid, and shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Forfeitures, and Penalties whatsoever, already incurred or which might hereafter be incurred in consequence of any such Omission or Neglect; and that no Election of or Act done or to be done by any such Person or under his Authority, and not yet avoided, shall be hereafter questioned or avoided by reason of any such Omission or Neglect, but that every such Election and Act shall be as good, valid, and effectual as if such Person had duly received the said Sacrament of the Lord's Supper in manner aforesaid.

Omissions of Persons to make the Declaration not to affect others not privy thereto.

IX. Provided nevertheless, That no Act done in the Execution of any of the Corporate or other Offices, Places, Trusts, or Commissions aforesaid, by any such Person omitting or neglecting as aforesaid, shall by reason thereof be void or voidable as to the Rights of any other Person not privy to such Omission or Neglect, or render such last-mentioned Person liable to any Action or Indictment.

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