

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXIV.

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

[30th *June* 1845.]

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 Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act passed in the First Year of the Reign of His 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 passed in the Thirteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations;* or to have qualified themselves

1 G. 1. st. 2. c. 13.

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

themselves according to another Act passed in the Twenty-fifth Year of
25 C. 2. c. 2. the Reign of His Majesty King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants;* or according to another Act passed in the Thirtieth Year of the Reign of
30 C. 2. st. 2. His Majesty 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 passed in the Eighth Year of the Reign of His Majesty
8 G. 1. c. 6. 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 passed in the Ninth Year of the Reign of His Majesty
9 G. 2. c. 26. 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 passed in the Eighteenth Year
18 G. 2. c. 20. of the Reign of His 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 passed in the Sixth Year of the Reign of His Majesty King *George*
6 G. 3. c. 53. the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act passed 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;* or according to another Act passed in the Ninth Year of the Reign of His Majesty King *George* the
9 G. 4. c. 17. Fourth, intituled *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;* or according to another Act passed in the Tenth Year of the Reign of His said
10 G. 4. c. 7. Majesty, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects*, so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts, or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by

the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions, be it enacted by the Queen'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 Oaths and Declarations, 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 is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification 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, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-six, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them 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 several Acts or any or either of them, 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 making or subscribing the said Declarations respectively, 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 or 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 and 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 made and subscribed the said Declarations respectively, 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 made and subscribed the said Declarations respectively, and taken and subscribed the said Oath,

Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further Time.

Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

II. And whereas several Persons well affected to Her 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 according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery;* be it therefore 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 as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and 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 forty-six.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, 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 Her 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 also, and be it 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.

Admissions to Corporations may be stamped after the Time allowed.

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* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough

Borough Towns which by several Acts 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 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 forty-six, 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 and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other 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, and 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.

VI. Provided always, and be it enacted, 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

Not to restore Persons to any Office avoided by Judgment.

avoided by Judgment of any of Her Majesty's Courts of Record, 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 passed.

General Issue.

VII. And be it 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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