

belonging or appertaining to any college, chapel, chantry or other thing mentioned in this act, now being *in esse* or standing, or now not being *in esse* or not standing, or to any other thing or things mentioned, or expressed in this act which any person or persons, bodies politick or corporate have had or obtained by the assent, licence, confirmation, grant or letters patents of the said late King, or of the King's majesty that now is; nor shall extend to any manors, lands, tenements, revenues, possessions, hereditaments or other thing or things mentioned, expressed or contained in any such licence, confirmation, grant or letters patents: (3) but that every such person and persons, bodies politick and corporate, their heirs successors and assigns and the heirs successors and assigns of every of them, shall have, hold and enjoy all and every the same colleges, chapels, chantries, manors, lands, tenements, revenues, possessions and hereditaments, and all and every other thing and things whatsoever, so by them had or obtained by the assent, licence, confirmation, grant or letters patents of the said late King, or of the King's majesty that now is, according to the words, sentences, form, effect, meaning and intent of the same licences, confirmations, grants and letters patents; this act, or the said act made in the said seven and thirtieth year of the reign of the said late King *Henry* the Eighth, or any clause, article, sentence, matter or thing mentioned, expressed or contained in any of the same acts to the contrary thereof in any wise notwithstanding.

C A P. XV.

The King's general and free pardon confirmed by parliament, except, &c.

Anno secundo & tertio Edwardi sexti.

ACTS made in the second session of this present parliament holden upon prorogation at Westminster the (twenty) ^(†) fourth day of November in the second year of our most dread sovereign lord Edward the Sixth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head, and there continued and kept to the fourteenth day of March in the third year of our said sovereign lord, as followeth.

(†) In the parliament journal it is the twenty-fourth. See Dyer 171. Yelv. 127. 2 Keb. 34.

C A P. I.

An act for uniformity of service and administration of the sacraments throughout the realm.

Revised by 1 Eliz. c. 1. § 14.

WHERE of long time there hath been had in this realm of England and in Wales divers forms of common prayer, commonly called the service of the church; that is to say, the use of Sarum, of

of York, of Bangor, and of Lincoln; and besides the same now of late much more divers and sundry forms and fashions have been used in the cathedral and parish churches of England and Wales, as well concerning the mattens or morning prayer and the evensong, as also concerning the holy communion, commonly called the mass, with divers and sundry rites and ceremonies concerning the same, and in the administration of other sacraments of the church: (2) and as the doers and executors of the said rites and ceremonies, in other form than of late years they have been used, were pleased therewith: So other not using the same rites and ceremonies were thereby greatly offended: (3) and albeit the King's majesty, with the advice of his most entirely beloved uncle the lord protector, and other of his Highness council, hath heretofore divers times assayed to stay innovations or new rites concerning the premisses; yet the same hath not had such good success as his Highness required in that behalf; whereupon his Highness by the most prudent advice aforesaid, being pleased to bear with the frailty and weakness of his subjects in that behalf, of his great clemency hath not been only content to abstain from punishment of those that have offended in that behalf, for that his Highness taketh that they did it of a good zeal; but also to the intent a uniform quiet and godly order should be had concerning the premisses, hath appointed the archbishop of Canterbury, and certain of the most learned and discreet bishops, and other learned men of this realm, to consider and ponder the premisses; (4) and thereupon having as well eye and respect to the most sincere and pure christian religion taught by the scripture, as to the usages in the primitive church, should draw and make one convenient and meet order, rite and fashion of common and open prayer and administration of the sacraments, to be had and used in his Majesty's realm of England and in Wales; the which at this time, by the aid of the Holy Ghost, with one uniform agreement is of them concluded, set forth and delivered to his Highness, to his great comfort and quietness of mind, in a book intituled, The book of the common prayer and administration of the sacraments, and other rites and ceremonies of the church, after the use of the church of England. (5) Wherefore the lords spiritual and temporal, and the commons, in this present parliament assembled, considering as well the most godly travel of the King's highness, of the lord protector, and of other his Highness council, in gathering and collecting the said archbishop, bishops and learned men together, as the godly prayers, orders, rites and ceremonies in the said book mentioned, and the considerations of altering those things which be altered, and retaining those things which be retained in the said book, but also the honour of God and great quietness, which by the grace of God shall ensue upon the one and uniform rite and order in such common prayer and rights and external ceremonies to be used throughout England and in Wales, at Calais and the marches of the same, do give to his Highness most hearty and lowly thanks for the same; (6) and humbly prayen, that it may be ordained and enacted by his Majesty, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, That all and singular person and persons that have offended concerning the premisses, other than such person

The penalty for not using uniformity of service, and administration of sacraments, &c.

Innovators not punished, for that they did it upon good zeal.

The book of common prayer by the aid of the Holy Ghost, is set forth by the bishops and learned men of the realm.

The penalty
for not using
the book of
common
prayer, and
other rites
and ceremo-
nies, accord-
ing to the use
of the church
of England.

Using any
other manner
of prayer.

The penalty
for depraving
the book or
anything con-
tained therein.

The penalty
for the first
offence.

The penalty
for the second
offence.

person and persons as now be and remain in ward in the Tower of *London*, or in the Fleet, may be pardoned thereof; (7) and that all and singular ministers in any cathedral or parish church or other place within this realm of *England, Wales, Calais*, and the marches of the same or other the King's dominions, shall, from and after the feast of *Pentecost* next coming, be bounden to say and use the mattens, evensong, celebration of the Lord's Supper, commonly called the mass, and administration of each of the sacraments, and all their common and open prayer, in such order and form as is mentioned in the same book, and none other or otherwise. (8) And albeit that the same be so godly and good, that they give occasion to every honest and conformable man most willingly to embrace them, yet lest any obstinate person who willingly would disturb so godly order and quiet in this realm should not go unpunished, that it may also be ordained and enacted by the authority aforesaid, That if any manner of parson, vicar or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, shall after the said feast of *Pentecost* next coming refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church or other places as he should use or minister the same, in such order and form as they be mentioned and set forth in the said book; (9) or shall use wilfully and obstinately standing in the same, any other rite, ceremony, order, form or manner of mass openly or privily, or mattens, evensong, administration of the sacraments or other open prayer than is mentioned and set forth in the said book: (open prayer in and throughout this act, is meant that prayer which is for other to come unto or hear either in common churches or private chapels or oratories, commonly called the service of the church) (10) or shall preach, declare or speak any thing in the derogation or depraving of the said book, or any thing therein contained, or of any part thereof; (11) and shall be thereof lawfully convicted according to the laws of this realm, by verdict of twelve men or by his own confession, or by the notorious evidence of the fact, (12) shall lose and forfeit to the King's highness, his heirs and successors, for his first offence, the profit of such one of his spiritual benefices or promotions as it shall please the King's highness to assign or appoint, coming and arising in one whole year next after his conviction: (13) and also that the same person so convicted shall for the same offence suffer imprisonment by the space of six months, without bail or mainprise: (14) and if any such person once convicted of any such offence concerning the premisses, shall after his first conviction afterwards offend and be thereof in form aforesaid lawfully convicted, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, (15) and also shall therefore be deprived *ipso facto* of all his spiritual promotions; (16) and that it shall be lawful to all patrons, donors and grantees of all and singular the same spiritual

ritual promotions, to present to the same any other able clerk, in like manner and form as though the party so offending were dead: (17) and that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premisses the third time, and shall be thereof in form aforesaid lawfully convicted; that then the person so offending and convicted the third time, shall suffer imprisonment during his life. (18) And if the person that shall offend and be convicted in form aforesaid concerning any of the premisses, shall not be beneficed nor have any spiritual promotion, that then the same person so offending and convicted shall for the first offence suffer imprisonment during six months, without bail or mainprise: (19) and if any such person not having any spiritual promotion, after his first conviction shall eftsoons offend in any thing concerning the premisses, and shall in form aforesaid be thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

The penalty for the third offence.

II. And it is ordained and enacted by the authority aforesaid, That if any person or persons whatsoever, after the said feast of *Pentecost* next coming, shall in any enterludes, plays, songs, rhymes, or by other open words declare or speak any thing in the derogation, depraving or despising of the same book or of any thing therein contained, or any part thereof; (2) or shall by open fact, deed or by open threatnings, compel or cause, or otherwise procure or maintain any parson, vicar or other minister in any cathedral or parish church, or in any chapel or other place, to sing or say any common and open prayer, or to minister any sacrament otherwise or in any other manner or form than is mentioned in the said book; (3) or that by any of the said means shall unlawfully interrupt or let any parson, vicar or other ministers in any cathedral or parish church, chapel or any other place, to sing or say common and open prayer, or to minister the sacraments, or any of them, in any such manner and form as is mentioned in the said book; (4) That then every person being thereof lawfully convicted in form aforesaid, shall forfeit to the King our sovereign lord, his heirs and successors, for the first offence ten pounds. (5) And if any person or persons being once convicted of any such offence, eftsoons offend against any of the premisses, and shall in form aforesaid be thereof lawfully convicted, that then the same persons so offending and convicted shall for the second offence forfeit to the King our sovereign lord, his heirs and successors, twenty pounds: (6) and if any person after he in form aforesaid shall have been twice convicted of any offence concerning any of the premisses, shall offend the third time, and be thereof in form aforesaid lawfully convicted, that then every person so offending and convicted shall for his third offence forfeit to our sovereign lord the King all his goods and chattels, and shall suffer imprisonment during his life: (7) and if any person or persons, that for his first offence concerning the premisses shall be convicted in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form

The penalty by plays, songs or tunes, to deprave the book of common prayer, or to compel any to use other prayer.

The penalty for the first offence.

The penalty for the second offence.

The penalty for the third offence.

as the same ought to be paid, within six weeks next after his conviction; that then every person so convicted, and so not paying the same, shall for the same first offence, instead of the said ten pound, suffer imprisonment by the space of three months without bail or mainprise. (8) And if any person or persons, that for his second offence concerning the premisses shall be convicted in form afore said, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid within six weeks next after his said second conviction; that then every person so convicted, and not so paying the same, shall for the same second offence, in the stead of the said twenty pounds, suffer imprisonment during six months, without bail or mainprise.

Justices of
oyer, deter-
miner and
assise shall
have power to
hear and de-
termine those
offences.

III. And it is ordained and enacted by the authority afore said, That all and every justices of *oyer* and *determiner*, or justices of assise, shall have full power and authority in every of their open and general sessions to enquire, hear and determine all and all manner of offences that shall be committed or done contrary to any article contained in this present act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

A bishop may
join with the
justices.

IV. Provided always, and be it enacted by the authority afore said, That all and every archbishop and bishop shall or may at all time and times at his liberty and pleasure join and associate himself by virtue of this act to the said justices of *oyer* and *determiner*, or to the said justices of assise, at every of the said open and general sessions to be holden in any place within his diocese, for and to the enquiry, hearing and determining of the offences afore said.

Who may use
prayers in
another lan-
guage.

V. Provided always, That it shall be lawful to any man that understandeth the *Greek*, *Latin* and *Hebrew* tongue, or other strange tongue, to say and have the said prayers heretofore specified of mattens and evensong in *Latin*, or any such other tongue, saying the same privately, as they do understand.

VI. And for the further encouraging of learning in the tongues in the universities of *Cambridge* and *Oxford*, to use and exercise in their common and open prayer in their chapels (being no parish churches) or other places of prayer, the mattens, evensong, litany, and all other prayers, (the holy communion, communion called the mass, excepted) prescribed in the said book, in *Greek*, *Latin* or *Hebrew*; any thing in this present act to the contrary notwithstanding.

VII. Provided also, That it shall be lawful for all men, as well in churches, chapels, oratories or other places, to use openly any psalms or prayer taken out of the bible, at any due time, not letting or omitting thereby the service or any part thereof mentioned in the said book.

When the ser-
vice books shall
be gotten.

VIII. Provided also, and be it enacted by the authority afore said, That the books concerning the said services shall at the
costs

costs and charges of the parishioners of every parish and cathedral church be attained and gotten before the feast of *Pentecost* next following, or before; (2) and that all such parishes and cathedral churches, or other places where the said books shall be attained and gotten before the said feast of *Pentecost*, shall within three weeks next after the said books so attained and gotten use the said service, and put the same in ure according to this act.

IX. And be it further enacted by the authority aforesaid, That no person or persons shall be at any time hereafter impeached or otherwise molested of or for any of the offences above mentioned, hereafter to be committed or done contrary to this act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such of the justices of *oyer* and *determiner*, or justices of assize, next after any offence committed or done contrary to the tenor of this act.

X. Provided always, and be it ordained and enacted by the authority aforesaid, That all and singular lords of the parliament, for the said offences above mentioned, shall be tried by their peers.

XI. Provided also, and be it ordained and enacted by the authority aforesaid, That the mayor of *London*, and all other mayors, bailiffs and other head officers of all and singular cities, boroughs and towns corporate within this realm, *Wales*, *Calais*, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this act to enquire, hear and determine the offences above said, and every of them yearly, within fifteen days after the feast of *Easter* and St. *Michael* the archangel, in like manner and form as justices of assize and *oyer* and *determiner* may do.

XII. Provided always, and be it ordained and enacted by the authority aforesaid, That all and singular archbishops and bishops and every of their chancellors, commissaries, archdeacons and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this act, as well to enquire in their visitations, synods, and elsewhere within their jurisdiction, at any other time and place, to take accusations and informations of all and every the things above mentioned, done, committed or perpetrate, within the limits of their jurisdiction and authority, and to punish the same by admonition, excommunication, sequestration or deprivation, and other censures and process, in like form as heretofore hath been used in like cases by the King's ecclesiastical laws.

XIII. Provided always, and be it enacted, That whatsoever person offending in the premisses shall for the first offence receive punishment of the ordinary, having a testimonial thereof under the said ordinaries seal, shall not for the same offence afterwards be convented before the justices; and likewise receiving for the said first offence punishment by the justices, he shall not

for the same offence estoons receive punishment of the ordinary; any thing contained in this act to the contrary notwithstanding.

The statute was confirmed by 5 & 6 Ed. 6. c. 1. and repealed by 1 M. sess. 2. c. 2. which act of 1 M. is repealed by 1 Eliz. c. 2. and 1 Jac. 1. c. 28. s. 48. and this act so far as it relates to the church is made perpetual by 5 Annæ c. 5.

C A P. II.

An act for the reformation of captains and soldiers serving in the wars.

Captains and soldiers not doing their true service, and neglecting their offices, shall be punished.

WHERE before this time divers of the King's majesty's loving and obedient subjects according to their bounden duties, have assigned, appointed and sent forth, as well into the parts beyond the seas and to the seas, as also into Scotland and other places, divers times both within this realm and without this realm, many able persons or soldiers well furnished with good horses and harnesses meet to serve the King in wars, to their great charges and costs; yet some of the said soldiers so sent to serve, contrary to their said masters expectation, and contrary to their bounden duties to the King's highness, have sold, lost, exchanged or altered their masters horse and harness, or otherwise by deceit or covin converted the same; by mean whereof the King's highness hath not only been destitute of the same soldiers in time of need, but also the owners of the said horses and harnesses, who sent them thither, have been untruly deceived of their horses and harnesses, being thereby less able to re-furnish other the like soldiers with horses and harnesses, at such time as they shall be thereunto commanded by the King's highness.

II. And sometimes the captains of such soldiers departed have demanded, had and taken of the King's highness wages for the same soldiers so departed, by mean whereof the King's majesty hath sustained and borne great payments, and yet his majesty hath not been truly served for the same, not a little to the displeasure of the King, and to the great charge of the poor subjects being commanded to set forth such soldiers:

The penalty of a soldier that maketh away his horse or harness
4 & 5 Ph. & M.
c. 2.

III. For remedy whereof, be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any soldier hereafter serving the King in his wars in any his dominions, or on the seas or beyond the seas, or in Scotland, after the first day of April next coming, do sell, give away or wilfully purloin, or otherwise exchange, alter or put away any horse, gelding or mare, or any harness, wherewith he shall be set forth; that then every such soldier so offending, upon due proof or testimony to be taken before the lieutenant, high admiral, the King's deputy, vice-admiral, warden or captain, and in their absence before any of their deputies, shall be imprisoned by the same lieutenant, or any other before named, there to remain without bail or mainprize until he have satisfied to the party, owner of the horse, gelding,