

## C A P. III.

*An act for ordering the forces in the severall counties of this kingdom.*

**F**ORASMUCH as within all his Majesty's realms and dominions, the sole and supreme power, government, command and disposition of the militia, and of all forces by sea and land, and of all forts and places of strength is, and by the laws of England ever was, the undoubted right of his Majesty, and his royal predecessors, kings and queens of England; (2) and that both or either of the houses of parliament cannot nor ought to pretend to the same; nor can nor lawfully may raise or levy any war offensive or defensive against his Majesty, his heirs or lawful successors; and yet the contrary thereof hath of late years been practised, almost to the ruin and destruction of this kingdom; and during the late usurped governments, many evil and rebellious principles have been instilled into the minds of the people of this kingdom, which may break forth, unless prevented, to the disturbance of the peace and quiet thereof:

The sole and supreme power and command of the militia in the King's majesty, his heirs and successors.

13 Car. 2. stat. 1. c. 6.

**H.** Be it therefore declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in parliament assembled, and by the authority of the same, That the King's most excellent majesty, his heirs and successors, shall and may from time to time, as occasion shall require, issue forth several commissions of lieutenancy to such persons as his Majesty, his heirs and successors, shall think fit to be his Majesty's lieutenants for the severall and respective counties, cities and places of *England* and dominion of *Wales*, and town of *Berwick upon Tyne*; (2) which lieutenants shall have full power and authority to call together all such persons at such times, and to arm and array them in such manner, as is hereafter expressed and declared, and to form them into companies, troops and regiments, and in case of insurrection, rebellion or invasion, them to lead, conduct and employ, or cause to be led, conducted and employed, as well within the said severall counties, cities and places for which they shall be commissioned respectively, as also into any other the counties and places aforesaid, for suppressing of all such insurrections and rebellions, and repelling of invasions, as may happen to be, according as they shall from time to time receive directions from his Majesty, his heirs and successors; (3) and that the said respective lieutenants shall have full power and authority from time to time to constitute, appoint and give commissions to such persons as they shall think fit to be colonels, majors, captains and other commission-officers; of the said persons, so to be armed, arrayed and weaponed, and to present to his Majesty, his heirs and successors, the names of such person and persons as they shall think fit to be deputy-lieutenants, and upon his Majesty's approbation of them shall give them deputations accordingly; (4) always understood, That his Majesty, his heirs and successors have power and authority to direct

His Majesty may issue out commissions of lieutenancy to such persons as he shall think fit for the severall counties, cities, &c.

The power of the said lieutenants.

Explained by 15 Car. 2. c. 4.

The deputy-lieutenants to be named to, and approved of by his Majesty.

The power of the deputy lieutenants.

The manner of charging and providing horse and arms, &c.

No person charged with or towards an horse, may be charged also towards foot-arms.

rect and order otherwise, and accordingly at his and their pleasure may appoint and commissionate or displace such officers; any thing in this act to the contrary notwithstanding: (5) and that the said lieutenants respectively, and in their absence out of the precincts and limits of their respective lieutenancies, or otherwise by their directions, the said deputy-lieutenants, during their said respective deputations, or any two or more of them shall have power from time to time to train, exercise and put in readiness, and also to lead and conduct the persons so to be armed, arrayed and weaponed, by the directions, and to the intents and purposes as is hereafter expressed and declared.

III. And for the providing horse and arms and furniture thereunto belonging, for the arming and weaponing the persons aforesaid, and also for the defraying and paying the necessary charges thereunto belonging in manner as hereafter followeth; (2) be it further enacted, That the said respective lieutenants within the several counties, cities and places, for which they are nominated respectively, and their deputies, or the major part of such lieutenants and deputy-lieutenants then present, or in the absence of the lieutenant or lieutenants, the major part of the deputy-lieutenants then present, which major part shall be three at the least, have hereby full power and authority to charge any person with horse, horseman and arms, or with foot-soldier and arms, in the same county, shire, city, borough or town corporate where his, her or their estates lie, having respect unto and not exceeding the limitations and proportions hereafter mentioned; (that is to say) (3) no person shall be charged with finding a horse, horseman and arms, unless such person or persons have a revenue of five hundred pounds by the year in possession, or have an estate of six thousand pounds in goods or money, besides the furniture of his or their houses, and so proportionably for a greater estate in lands in possession, or goods, as the respective lieutenants and their deputies as aforesaid, in their discretions shall see cause and think reasonable; (4) and they are not to charge any person with finding a foot-soldier and arms, that hath not a yearly revenue of fifty pounds in possession, or a personal estate of six hundred pounds in goods or monies, (other than the stock upon the ground) and after the aforesaid rate proportionably for a greater or a lesser revenue or estate: (5) nor shall they charge any person with the finding both of horse and foot in the same county.

IV. Provided, that no person chargeable by this act, to find an horse and horseman with arms or to be contributory towards finding an horse and horseman with arms, shall for the same estate be chargeable towards finding a foot-soldier with arms or contributory thereunto: (2) and it shall be lawful to and for the respective lieutenants and deputies or any three or more of them as aforesaid, to impose the finding and providing of horse, horseman, and arms as aforesaid, by joining two or three or more persons together in the charge, as to their judgment shall appear most conducive to the service of this kingdom.

V. Pro-

V. Provided, That no person that hath not one hundred pounds *per annum* in possession, in lands, tenements or hereditaments, leasehold or copy hold, or twelve hundred pounds personal estate, shall be compellable to contribute in finding any horse and horseman with arms : (2) and the said respective lieutenants and deputies, or any three or more of them, shall have power to hear complaints, and examine witnesses upon oath, (which oath they have hereby power to administer) and to give redress according to the merits of the cause in matters relating to the execution of this act.

VI. Be it further enacted, That the said lieutenants and deputies or any three or more of them, in their several counties and places respectively, shall require and direct all persons so charged as aforesaid, with horse, horseman and arms, to allow two shillings by the day to the troopers that serve with their horse and arms, for the maintenance of the man and horse, and twelve pence a day for the foot-soldiers; (if they serve not in their own persons) for so many days as they shall be sent from their dwellings and callings, by occasion of muster or exercise.

VII. And for furnishing of ammunition and other necessaries, the said respective lieutenants and deputies or any three or more of them, shall have power to lay fitting rates upon the respective counties and places, not exceeding in the whole in any one year the proportion of a fourth part of one month's assessment in each county, after the rate of seventy thousand pounds by the month, now or late charged by an act, intituled, *An act for the raising of seventy thousand pounds for the further supply of his Majesty*; (2) which monies are to be assessed, collected and paid by such persons and according to such directions as shall be given from time to time by the said respective lieutenants and deputies or any three or more of them, under the like penalties, and by the like ways and means, as are prescribed in the said act for the seventy thousand pounds by the month; (3) and in case of invasions, insurrections or rebellions, whereby occasion shall be to draw out such soldiers into actual service, the persons so charged as aforesaid, shall provide each their soldier respectively with pay in hand, not exceeding one month's pay, as shall be in that behalf directed by the said respective lieutenants, and in their absence as aforesaid, or otherwise by their directions by their deputies or any two or more of them : (4) for repayment of which said monies, and for satisfaction of the officers for their pay during such time, not exceeding one month as aforesaid, as they shall be with their soldiers in such said actual service, it is hereby declared, That provision shall be made for the same by his majesty, his heirs and successors, out of his or their publick treasure or revenue : (5) nevertheless, it is hereby further provided and enacted, That in case a month's pay shall be provided and advanced as aforesaid, That no person who shall have advanced his proportion thereof, shall be charged with any other like month's payment, until he or they shall have been re-imbursed the said month's pay, and so from time

What persons and estate only chargeable towards finding horse-arms.

Lieutenants and deputies may hear and determine matters relating to this act.

Allowance of 2 s. per diem for a horseman, and 1 s. for a foot-soldier.

Rates to be made for furnishing ammunition. 12 Car. 2. c. 19.

Invasion, insurrection, rebellion. See 1 Geo. 1. stat. 2. c. 14.

Provision by his Majesty. None having advanced a month's pay shall be charged again un-

till he be reimbursed the same.

How to charge carts and horses for carrying provisions, and their allowance per mile.

Soldiers that do not their duties, how punished.

The penalties upon persons charged or taxed, refusing or neglecting.

Imbezziling of arms, horse or furniture, how punished.

to time the month's pay by him or them last before provided and advanced as aforesaid.

VIII. And be it enacted, That the said lieutenants and their deputies, or the chief officers upon the place in the respective counties and places as aforesaid, may charge carts, waggons, wains and horses for the carrying of powder, match, ball and other materials, allowing six pence a mile outward only, to every such cart, waggon and wain with five horses or six oxen, and so proportionably; (2) and for every horse employed out of waggon or cart for the uses aforesaid one penny, to be taken upon the marching of any regiment, company or troop, upon occasion of invasion, insurrection or rebellion; (3) and that the said lieutenants or deputies, or the chief officers upon the place, shall and may imprison mutineers and such soldiers as do not their duties as soldiers at the day of their musters and training; and shall and may inflict for punishment for every such offence, any pecuniary mulct not exceeding five shillings, or the penalty of imprisonment without bail or mainprize, not exceeding twenty days.

IX. And be it further enacted, if any person or persons so to be assessed or charged by the said lieutenants and deputies, or any three or more of them respectively, shall refuse or neglect by a reasonable time to be appointed, to provide and furnish such sufficient horse and horseman, horses and horsemen, arms and other furniture, or to pay such sum or sums of money towards the providing and furnishing as aforesaid; That then it shall and may be lawful to and for the respective lieutenants and deputies or any three or more of them, for every such offence, from time to time to inflict a penalty upon such persons not exceeding twenty pounds. (2) And also by warrant under their or any three or more of their hands and seals, to levy such sum or sums of money, or the value of such horse or horses, arms and furniture, and such penalty inflicted, by distress and sale of the goods of the person or persons so neglecting or refusing, rendering the overplus to the party so distrained, all necessary charge in levying thereof being first deducted; (3) and it is declared, That the same be employed to the same uses in default whereof the same was imposed.

X. And be it further enacted that if any person or persons so to be armed arrayed and weaponed, shall detain or imbezil his horse, arms or furniture wherewith he ought to serve or is intrusted; that it shall and may be lawful to and for the said respective lieutenants, and in their absence as aforesaid, or otherwise by their directions, to and for their deputies, or any two or more of them, to imprison such person and persons till he or they have made satisfaction for the horse, arms, or other furniture so by him detained or imbeziled; (2) and also, That if any person so to be armed, horsed or weaponed as aforesaid, shall not appear and serve, completely furnished with horse and arms, and other furniture wherewith he is entrusted, at the beat of drum, sound of trumpet, or other summons, that then, and so

so often, it shall and may be lawful to and for the said respective lieutenants, and in their absence as aforesaid, or otherwise by their directions, to and for their deputies, or any two or more of them, if the default be in the person or persons so intrusted, to imprison such person or persons for the space of five days, without bail or mainprize, or to inflict the penalty, if a horseman, not exceeding twenty shillings, and if a footman, not exceeding ten shillings, to be paid down without delay or forbearance : (3) and if any person or persons so assessed or charged as aforesaid, shall refuse or neglect to send in, or deliver his horse, arms, or other furniture, upon such summons, or other notice as aforesaid ; that then, and so often, it shall and may be lawful to and for the said respective lieutenants and their deputies, or any three or more of them, to inflict a penalty not exceeding five pounds, to be levied by distress and sale of the goods of such person or persons so refusing as aforesaid, rendering the overplus to the party distrained, necessary charges for levying being first deducted.

XI. And for the better discovery of the ability of the persons so to be assessed and charged, and of all misdemeanors tending to the hindrance of the service aforesaid, the said respective lieutenants and their deputies, or any three or more of them, are hereby enabled to examine upon oath such person or persons as they shall judge necessary or convenient, or shall be produced by the party charged or accused, other than the persons themselves so to be assessed and accused.

Ability of persons assessed, how to be discovered.

XII. And for the better and more speedy execution of the premises, be it further enacted, That the said respective lieutenants shall be and are hereby required to appoint one or more treasurer or treasurers, clerk or clerks, for receiving and paying such monies as shall be levied by virtue hereof ; of all which receipts and disbursements thereof, the said treasurer, clerk and clerks, are every six months to give their accounts in writing, and upon oath, to the said lieutenants and their deputies, or any three or more of them, which oath they have hereby power to administer : (2) and the said account so to be taken, shall be forthwith certified to the lords of his Majesty's most honourable privy council, and a duplicate thereof shall be certified to the justices of peace at the next general quarter-sessions.

Treasurer and clerks for receiving and paying monies by this act.

XIII. And be it further enacted, That the deputy-lieutenants shall observe and obey such orders and directions as they shall from time to time receive from the respective lieutenants for the putting in execution the powers given by this act.

XIV. And for the better securing the peace of the kingdom, be it further enacted and ordained, That the said respective lieutenants, or any two or more of their deputies, are hereby enabled and authorized from time to time, by warrant under their hands and seals, to employ such person or persons as they shall think fit (of which a commissioned officer, and the constable or his deputy, or the tithingman, or in the absence of the constable and his deputy and tithingman, some other person

Who shall be appointed to search for and seize arms in the houses of dangerous persons.

son bearing office within the parish where the search shall be, shall be two) to search for and seize all arms in the custody or possession of any person or persons whom the said lieutenants, or any two or more of their deputies, shall judge dangerous to the peace of the kingdom, and to secure such arms for the service aforesaid, and thereof from time to time to give accounts to the said respective lieutenants, and in their absence as aforesaid, or otherwise by their directions, to their deputies, or any two or more of them : (2) provided that no such search be made in any house or houses between sun-setting and sun-rising, other than in cities and their suburbs, and towns corporate, market-towns and houses within the bills of mortality, where it shall and may be lawful to search in the night-time by warrant as aforesaid, if the warrant shall so direct, and in case of resistance to enter by force : (3) and that no dwelling-house of any peer of this realm be searched by virtue of this act, but by immediate warrant from his Majesty, under his sign manual, or in the presence of the lieutenant, or one of the deputy-lieutenants of the same county or riding : (4) and that in all places and houses whatsoever where search is to be made as aforesaid, it shall and may be lawful in case of resistance, to enter by force; (5) and that the arms so seized may be restored to the owners again, if the said lieutenants, or in their absence as aforesaid, their deputies, or any two or more of them, shall so think fit.

Houses of peers.

All high constables and officers to be aiding to the respective lieutenants.

XV. And be it enacted that all high constables, petty constables, and other officers and ministers within the said counties, cities, parishes and places aforesaid, be and are hereby required to be aiding and assisting to the said respective lieutenants and their deputies, or any of them, in execution of the premises : (2) and that all and every person and persons who shall act or do any thing in execution thereof, shall be hereby saved harmless and indemnified : and also, that all and every person and persons, who have heretofore acted or done any thing in execution of any commission or commissions of lieutenancy issued by the King's majesty that now is, or by color of them or any of them, or touching or concerning the same or any of them, or relating thereunto, since the seventh day of *May* one thousand six hundred sixty and one, until the twentieth day of *May* one thousand six hundred sixty and two, shall be and are hereby saved harmless and indemnified in that behalf.

How persons are to be charged residing in one county, and having lands in another.

XVI. And be it further enacted and ordained, That where any person or persons shall be charged by virtue of this act to find a horse and horse-man, horses and horsemen and arms, or foot-soldier and arms, in such county, city or place, where he or they do not reside or inhabit ; that then and in such cases, the respective lieutenants and deputies or any three or more of them, shall send notice of every such charge, if such person have any land in his own occupation, to such person as he doth employ as his servant in managing the same ; (2) and in case all his lands or other estate be demised, and to farm let,

let, then to one or two of the most sufficient tenant or tenants who shall have the same in their occupation, who are hereby required forthwith with all convenient speed to convey the same to their master or landlord respectively, and within such time as shall be appointed in that behalf, bring an account of their master or landlord's answer to the respective lieutenants and deputies, or any three or more of them: (3) and upon neglect or refusal of the landlord, to provide such horse and horseman, horses and horsemen and arms, or foot-soldier and arms, as is duly charged upon him, according to the rates mentioned in this act, for the yearly rent reserved upon every demise or other grant, and not otherwise, within the time limited for that purpose; that then the said tenant or tenants shall provide and do as the landlord in that behalf ought to have done: (4) and if the said tenant or tenants shall refuse or neglect to provide such horse and horseman, horses and horsemen and arms, or foot-soldier and arms, as are charged upon his and their landlords, within the time limited; that then and upon every such default, it shall and may be lawful to and for the said respective lieutenants, and in their absence as aforesaid, or otherwise by their directions, to and for their deputies, or any two or more of them, by warrant under their hands and seals, to levy all such penalties as are appointed by this act, by distress and sale of the offender's goods, rendering the overplus to the party distrained.

Tenants to provide arms for their landlords.

XVII. And it is hereby ordained and enacted, That it shall and may be lawful to and for the said tenant or tenants, to default out of such rent as shall be next due to his or their landlord, all such money as the said tenant or tenants shall necessarily lay out or expend in providing such horse and horseman, horses and horsemen and arms, or foot-soldier and arms, as are charged upon his or their landlord, or shall pay or be levied upon him or them by distress for any default, in manner as aforesaid; any condition, reservation, covenant or contract for the payment of his or their rent, to the contrary in any wise notwithstanding: (2) and for so doing, the said tenant or tenants shall be indemnified by authority of this act, unless the landlord or landlords shall make it appear within two months after such levying such penalties before the respective lieutenants, and in their absence as aforesaid, or otherwise by their directions before their deputies, or any two or more of them, that the default and penalty was occasioned by the wilful neglect of the said tenant or tenants.

And to default the charges out of their next rent.

The tenants indemnified for so doing.

XVIII. Provided also, That no person being a peer of this realm, shall be capable of acting or serving as lieutenant or deputy-lieutenant, by virtue of this act, unless he or they shall first before six of the lords of his Majesty's privy-council, for the time being, or such other persons as shall be authorized by his Majesty to administer the same, take the oath of allegiance and supremacy, and also this oath following: *I A. B. do declare and believe, That it is not lawful upon any pretence whatsoever to take*

Peers not to act as lieutenants or deputies before they take the oath of allegiance, &c. and this oath,

arms



abolished by  
1 W. & M.  
sess. 1. c. 8.  
s. 11.

arms against the King : and that I do abhor that traitorous position, That arms may be taken by his authority against his person, or against those that are commissioned by him in pursuance of such military commissions : So help me God. Which oaths they have hereby power to administer.

Persons under  
the degree of  
a peer to take  
the oath of  
allegiance, &c.  
and this oath.

XIX. And that no person being under the degree of a peer of this realm, shall be capable of acting as a lieutenant, deputy-lieutenant, officer or soldier, by virtue of this act, unless he or they shall first take the oaths of allegiance and supremacy, and this oath following: I *A. B.* do declare and believe, That it is not lawful upon any pretence whatsoever to take arms against the King; and that I do abhor that traitorous position, That arms may be taken by his authority against his person, or against those that are commissioned by him in pursuance of such military commissions : So help me God. (2) Which oaths, any one justice of peace of the respective counties and places aforesaid is enabled to administer, to such respective lieutenants as is not a peer of this realm; and the said lieutenant, or any one justice of peace of the respective counties and places aforesaid, is enabled to administer to the respective deputy-lieutenants, not being peers; and the said respective lieutenants, and in their absence as aforesaid, or otherwise by their directions when they are not absent, their deputies, or any two of them, shall and are hereby enabled to administer the said oaths to the said officers and soldiers.

The trained  
bands to con-  
tinue till the  
25 of March  
1663. and no  
longer.

XX. And to the end there may be some convenient time to put in execution the powers of this act, and preparing an establishment according to the same, be it hereby enacted, That the trained bands and forces now actually raised, and in being, shall so continue in each respective city and county of *England* and *Wales*, until the five and twentieth day of *March* one thousand six hundred sixty and three, and no longer, unless an establishment according to this act be no sooner had; any thing in this present act to the contrary in any wise notwithstanding.

The times ap-  
pointed for  
training and  
mustering,  
See 15 Car. 2.  
c. 4. s. 7.

XXI. And it is hereby declared and enacted, That the ordinary times for training, exercising and mustering the forces to be raised by virtue of this act, shall be these following, (that is to say) the general muster and exercise of regiments, not above once a year; the training and exercising of single companies, not above four times a year, unless special directions be given by his Majesty, or his privy-council; (2) and that such single companies and troops shall not at any one time be continued in exercise above the space of two days; (3) and that at a general muster and exercise of regiments, no officer or soldier shall be constrained to stay for above four days together from their respective habitations; (4) and that at every such muster and exercise, every musqueteer shall bring with him half a pound of powder, at the charge of such person or persons as provide the said foot-soldier and arms; and every horseman is to bring with him a quarter of a pound of powder, at the charge of such person or persons as provide the said horse, horseman and arms; (5) and the arms offensive and defensive,  
with



with the furniture for horse, are to be as followeth; the defensive arms, a back, breast and pot, and the breast and pot to be pistol-proof; the offensive arms, a sword and a case of pistols, the barrels whereof are not to be under fourteen inches in length; the furniture for the horse to be a great saddle or padd with burrs and straps to affix the holsters unto, a bit and bridle with a pectoral and crupper: (6) for the foot, a musqueteer is to have a musquet, the barrel whereof is not to be under three foot in length, and the gauge of the bore to be for twelve bullets to the pound, a collar of bandeleers, with a sword: (7) provided that all muster-masters shall for the present admit and allow of any musquets already made, which will bear a bullet of fourteen to the pound; but no musquets which henceforth shall be made are to be allowed of, but such as are of the gauge of twelve bullets to the pound: (8) a pikeman is to be armed with a pike made of ash, not under sixteen foot in length, (the head and foot included) with a back, breast, head-piece and sword: (9) provided, that all muster-masters shall for the present admit and allow of any pikes already made that are not under fifteen foot in length; but no pikes which shall be hereafter made are to be allowed of, that are under sixteen foot in length.

XXII. Provided also, and be it enacted by the authority aforesaid, That the militia of the island of *Purbeck* shall remain separate from the county of *Dorset*, as heretofore hath been used; and that his Majesty's lieutenant of the said island, and his deputies, or any three or more of them for the time being, shall have power for the levying, arraying, mustering and conducting of such number of foot for the defence of the said island, in such manner, and by such ways and means, as heretofore hath been used; and also to use and execute within the said island all and every the powers, which by the true intent of this act any of his Majesty's lieutenants, or his or their deputies, or any of them, might in any respective county use or execute.

XXIII. Provided nevertheless, and be it enacted by the authority aforesaid, That in case of apparent danger to the present government, it shall and may be lawful for his Majesty at any time or times that the same shall so happen, during the space of three years, from the five and twentieth day of *June* in the year one thousand six hundred sixty and two, to raise such sum or sums of money for the defraying of the whole, or such part of the militia aforesaid, as his Majesty shall find himself obliged to employ, in order to the quiet and security of this nation, the said sum not exceeding seventy thousand pounds in one whole year; (2) and the same to be raised by his Majesty's lieutenants, or in their absence as aforesaid, by their deputies in their respective counties, according to the rules and directions in an act in this present parliament, *For the raising of eighteen months assessment after the rate of seventy thousand pounds per menssem*; as also to continue the space of three years from the aforesaid five

What arms and provision every soldier shall bring.  
1 Geo. 1. stat. 2. c. 14. f. 5.  
9 Geo. 1. c. 2. f. 7.

The militia of the isle of Purbeck.

Power to his Majesty to raise 70000l. per annum for three years upon occasion.  
EXP.

13 Car. 2. stat. 2. c. 3.

five and twentieth day of *June*, and no longer; any thing in this act, or any other, to the contrary notwithstanding.

Such as have provided parish arms before the 24th of June 1660. how to be reimbursed.  
EXP.

XXIV. Be it also enacted, That all constables, tithingmen or other officer, or officers, who since the four and twentieth day of *June* one thousand six hundred and sixty have paid or disbursed, or before the settlement of the militia to be established by virtue of this act shall pay or disburse, any monies for buying of arms, or defraying of charges of soldiers, set or to be set upon their respective parishes, shall be reimbursed the same by those who have refused to pay their proportions thereof; (2) and in case he or they shall refuse to pay the same, then to be levied by distress and sale of goods, rendering the overplus to the owner or owners, by warrant under the hand and seal of the lieutenant or lieutenants, or in his or their absence, or otherwise by their direction when they are not absent, of any two of their deputies, directed to the respective constables, tithingmen, or other officer or officers aforesaid of their respective parishes.

No man charged shall be forced to serve in person, but may find a sufficient man for him.

XXV. Provided always, and it is hereby further enacted and declared, That no person charged with the finding of horse, or foot, or with contributing thereunto, as aforesaid, shall be compellable to serve in his or their proper person, but may according to such proportion as they are or shall respectively be charged by this act, find one or more fit or sufficient man or men qualified according to this act, to be approved by his or their captain respectively, subject nevertheless to be altered upon appeal to the lieutenant, or in his absence, as aforesaid, to his deputy-lieutenants, or any two of them, as there shall be cause; and that every such person or persons so found and provided, shall and hereby are required to serve as a soldier and soldiers, in such manner, and under such penalties, as are before appointed in this act; (2) and that every person or persons who shall serve in his or their own persons (who are also to be approved of as aforesaid) or such person or persons as shall be accepted in his or their stead, shall at the next muster of such troop or company in which he or they are to serve, give in his or their christian and surnames, and places of abode, unto such person as the lieutenant, or in his absence, as aforesaid, or by his direction when he is not absent, any two deputy-lieutenants shall appoint, to the end the same may be listed; (3) and that from thenceforth such person so listed shall not be exchanged, or desert the said service, or be discharged thereof, but by the leave and order of the lieutenant, or two deputy-lieutenants, or his captain, upon reasonable cause (subject nevertheless, upon appeal to be determined as aforesaid) first obtained in writing under his or their hands and seals; (4) under pain that such persons departing from the said service without leave as aforesaid, shall forfeit the sum of twenty pounds, to be levied upon his goods and chattels in such manner as is by this act appointed for the levying of other penalties; and for non-payment or want of distress, then every such person to be committed to the common

No person listed may desert the service, or be discharged, or altered, but by leave upon reasonable cause. The penalty.

common gaol of the county for any time not exceeding three months, without bail or mainprife; any thing in this act to the contrary in any wise notwithstanding.

XXVI. Provided always, and be it enacted, That nothing in this act contained shall extend to put any new charge of arms upon the tanners in the counties of *Devon* and *Cornwall*, other than the tax mentioned in the former proviso; but that the lord-warden of the stannaries for the time being, in pursuance of his Majesty's commission in that behalf, and such as he shall commissionate and authorize under him, according to the rules and directions before-mentioned in this act, shall and may have and use the like powers, and array, assess, arm, muster and exercise the said tanners within the said counties, and either of them, as hath been heretofore used, and according to the antient privileges and customs of the said stannaries, observing the rules and proportions appointed by this act; any thing in this act to the contrary notwithstanding.

Proviso for  
the tanners of  
*Devon* and  
*Cornwall*.

XXVII. Provided always, and be it enacted by the authority aforesaid, That his Majesty's lieutenants that are or shall be commissioned for the militia of the city of *London*, may and shall continue to list and levy the trained bands and auxiliaries of the said city, as to number and quality of the persons, in such manner as was used in forming the present forces now raised by his Majesty's commission; (2) and in regard of the extraordinary duties, which the forces of the said city that now are and formerly were raised in order to his Majesty's happy restoration, have of late, and may again be put to, for the safety of his Majesty's person, and for suppressing or preventing of insurrections; (3) that it shall and may be lawful for his Majesty's lieutenants of the said city, by warrant from his Majesty, to impose and levy yearly in the same, so much money as they shall find needful, for defraying the arrears of those first raised for his Majesty's happy restoration, and the arrears and necessary charge of those that now are and shall be raised, with the ammunition and other incident expences of their militia, in such manner as the present assessment is now levied, and not exceeding in any one year the proportion of one month's tax, which the said city now pays towards the tax of seventy thousand pounds by the month, and shall be accountable for the same, as by this act is ordained; any thing in this act to the contrary of this proviso in any wise notwithstanding.

Proviso for  
the militia of  
*London*.

XXVIII. Provided always, That no officer or soldier of the militia or trained bands belonging to any city, borough or town corporate, being a county of it self, or to any other corporation or port-town, who have used and accustomed to be mustered only within their own precincts, shall be compellable to appear out of the precincts or liberties of the same city, borough, town corporate and port-town, at any muster or exercise only; (2) and every of the said cities, boroughs, towns corporate and port-towns, are hereby chargeable to find their usual number of soldiers, unless the respective lieutenants find

Proviso for  
the officers of  
the militia of  
cities and  
towns cor-  
porate.

find cause to lessen the same; any thing in this act to the contrary notwithstanding.

Covenants between landlords and tenants for providing arms, not to be avoided by this act.

XXIX. Provided, That this act, or any thing herein contained, shall not extend to avoid any covenant or agreement which hath been or shall be made between any landlord and tenant concerning the finding horses or arms, or the bearing or paying of any taxes, rates or other charges by any tenant, either by general or special covenants, but that the said taxes, rates or other charges, shall be born and paid by all respective tenants according to the said covenants and agreements; any thing in this act to the contrary thereof in any wise notwithstanding.

Isle of Wight.

XXX. Provided, That this act, or any thing therein contained, shall not extend to make any alteration in the isle of *Wight* as to the militia in that place, either to raise horse or foot within the said island, in any other manner than hath been formerly and is now used and practised there.

Militia of the tower division in Middlesex.

XXXI. Provided also, and be it enacted, That whereas the militia of the *Tower* division in the county of *Middlesex*, commonly known by the name of the *Tower* hamlets, are and always have been under the command of his Majesty's constable or lieutenant of the *Tower*, for the service and preservation of that his royal fort; That it shall and may be lawful for his Majesty's constable or lieutenant of the *Tower* for the time being, to continue to levy the trained hands of the said division or hamlets of the *Tower*, in such manner and form as to the number and quality of persons, as was observed in forming the present forces thereof; any thing in this act to the contrary notwithstanding.

Proviso touching compelling men to march out of this kingdom.

XXXII. Provided, That neither this act, nor any matter or thing therein contained, shall be deemed, construed or taken to extend to the giving or declaring of any power for the transporting of any of the subjects of this realm, or any way compelling them to march out of this kingdom, otherwise than by the laws of *England* ought to be done.

Peers of the realm, how to be charged.

XXXIII. Provided always, and be it enacted by the authority aforesaid, That no peer of this realm shall be charged with horse, horsemen and arms, or foot-soldiers and arms, otherwise, or in any other manner, than is herein after expressed, (that is to say) that his Majesty, his heirs and successors, shall and may from time to time issue out commissions under the great seal of *England*, to so many peers (not fewer than twelve) as his Majesty, his heirs and successors shall think fit, who, or any five or more of them, shall have power from time to time to assess all and every, or any the peers of this realm, according to the limitations and proportions in this act appointed, for the finding of horse, horsemen and arms, or foot-soldiers and arms, and for other the purposes in this act mentioned, (except the monthly taxes, which are to be levied as is before prescribed in this act) and shall have power to put in execution all and every the powers and authorities of this act,

act, as well for laying assessments, as imposing of penalties (imprisonment of the person of any peer of this realm only excepted;) which assessment or charge so made, together with such penalties as shall be so imposed, (imprisonment, as aforesaid, only excepted) shall be from time to time respectively certified to the respective lieutenants of each county, to the intent that the said charge may be born, and the penalties (not before excepted) levied, according to the intent of this act: (2) and that in case there shall be any default in performance of any thing to be done or paid by any peer by virtue of this act, that then it shall be lawful for the respective lieutenants and deputy-lieutenants, or any three of them, to cause distresses to be taken for the same in any of the lands of such defaulter within their said counties or limits respectively: (3) and in case satisfaction shall not be given within the space of one week after such distresses taken, then such distresses to be sold for the performance of the said service, and the charge incident thereunto, and the overplus (if any be) to be restored to the owner: (4) and if a tenant of any peer of this realm shall be distrained for such default as aforesaid, the tenant so distrained is hereby enabled to deduct the sum levied out of his next rent. See 15 Car. 2. c. 4.

## CAP IV.

*An act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies: and for establishing the form of making, ordaining and consecrating bishops, priests and deacons in the church of England.*

**W**HEREAS in the first year of the late Queen Elizabeth, This act enforced by 5 Annæ, c. 5. c. 1. there was one uniform order of common service and prayer, and of the administration of sacraments, rites and ceremonies, in the church of England, (agreeable to the word of God, and usage of the primitive church) compiled by the reverend bishops and clergy, set forth in one book, intituled, The book of common prayer and administration of sacraments, and other rites and ceremonies in the church of England, and enjoined to be used by act of parliament, holden in the said first year of the said late Queen, intituled, An act 1 Eliz. c. 2. for the uniformity of common prayer and service in the church, and administration of the sacraments, very comfortable to all good people desirous to live in christian conversation, and most profitable to the estate of this realm; upon the which the mercy, favour and blessing of Almighty God is in no wise so readily and plentifully poured, as by common prayers, due using of the sacraments, and often preaching of the gospel, with devotion of the hearers; (2) and yet this notwithstanding, a great number of people in divers parts of this realm, following their own sensuality, and living without knowledge and due fear of God, do wilfully and schismatically abstain and refuse to come to their parish churches, and other publick places where common prayer, administration of the sacraments, and preaching of the word of God is used upon the Sundays and other days ordained and appointed to be kept and observed as holy-days: (3) and whereas by the great and

The King's declaration and commission for reviewing the book of common prayer, and alterations to be propounded therein.

*scandalous neglect of ministers in using the said order or liturgy so set forth and enjoined as aforesaid, great mischiefs and inconveniencies, during the times of the late unhappy troubles, have arisen and grown, and many people have been led into factions and schisms, to the great decay and scandal of the reformed religion of the church of England, and to the hazard of many souls: (4) for prevention whereof in time to come, for settling the peace of the church, and for allaying the present distempers which the indisposition of the time hath contracted, the King's majesty, according to his declaration of the five and twentieth of October one thousand six hundred and sixty, granted his commission under the great seal of England to several bishops and other divines, to review the book of common prayer, and to prepare such alterations and additions as they thought fit to offer: and afterwards the convocations of both the provinces of Canterbury and York being by his Majesty called and assembled, and now sitting, his Majesty hath been pleased to authorize and require the presidents of the said convocations, and other the bishops and clergy of the same, to review the said book of common prayer, and the book of the form and manner of the making and consecrating of bishops, priests and deacons: and that after mature consideration they should make such additions and alterations in the said books respectively, as to them should seem meet and convenient; and should exhibit and present the same to his Majesty in writing for his further allowance or confirmation: (5) since which time, upon full and mature deliberation, they the said presidents, bishops and clergy of both provinces, have accordingly reviewed the said books, and have made some alterations which they think fit to be inserted, to the same; and some additional prayers to the said book of common prayer, to be used upon proper and emergent occasions; and have exhibited and presented the same unto his Majesty in writing, in one book, intituled, The book of common prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England, together with the psalter or psalms of David, pointed as they are to be sung or said in churches; and the form and manner of making, ordaining and consecrating of bishops, priests and deacons: (6) all which his Majesty having duly considered, hath fully approved and allowed the same, and recommended to this present parliament, That the said books of common prayer, and of the form of ordination and consecration of bishops, priests and deacons, with the alterations and additions which have been so made and presented to his Majesty by the said convocations, be the book which shall be appointed to be used by all that officiate in all cathedral and collegiate churches and chapels, and in all chapels of colleges and halls in both the universities, and the colleges of Eaton and Winchester, and in all parish churches and chapels within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, and by all that make or consecrate bishops, priests or deacons, in any of the said places, under such sanctions and penalties as the houses of parliament shall think fit.*

II. Now in regard that nothing conduceth more to the settling of the peace of this nation, (which is desired of all good men) nor to the honour

*honour of our religion, and the propagation thereof, than an universal agreement in the publick worship of Almighty God; and to the intent that every person within this realm may certainly know the rule to which he is to conform in publick worship, and administration of sacraments, and other rites and ceremonies of the church of England, and the manner how and by whom bishops, priests and deacons are and ought to be made, ordained and consecrated; (2) be it enacted by the King's most excellent majesty, by the advice and with the consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That all and singular ministers in any cathedral, collegiate or parish church or chapel, or other place of publick worship within this realm of England, dominion of Wales, and town of Berwick upon Tweed, shall be bound to say and use the morning-prayer, evening-prayer, celebration and administration of both the sacraments, and all other the publick and common prayer, in such order and form as is mentioned in the said book annexed and joined to this present act, and intituled, *The book of common prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England; together with the psalter or psalms of David; pointed as they are to be sung or said in churches; and the form or manner of making, ordaining and consecrating of bishops, priests and deacons: and that the morning and evening prayers therein contained shall upon every Lord's day, and upon all other days and occasions, and at the times therein appointed, be openly and solemnly read by all and every minister or curate, in every church, chapel or other place of publick worship, within this realm of England and places aforesaid.**

The peace and honour of religion much advanced by uniform agreement in the publick worship of God.

The book of common prayer shall be used.

III. And to the end that uniformity in the publick worship of God, (which is so much desired) may be speedily effected, be it further enacted by the authority aforesaid, That every parson, vicar or other minister whatsoever, who now hath and enjoyeth any ecclesiastical benefice or promotion within this realm of England or places aforesaid, shall in the church, chapel or place of publick worship belonging to his said benefice or promotion, upon some Lord's day before the feast of St. Bartholomew which shall be in the year of our Lord God one thousand six hundred sixty and two, openly, publickly and solemnly read the morning and evening-prayer appointed to be read by and according to the said book of common prayer at the times thereby appointed; and after such reading thereof, shall openly and publickly before the congregation there assembled declare his unfeigned assent and consent to the use of all things in the said book contained and prescribed, in these words and no other:

All parsons, vicars and ministers to read and declare their assent to use the same.

IV. **I** A. B. do here declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book, intituled, *The book of common prayer and administration of the sacraments,*



ments, and other rites and ceremonies of the church, according to the use of the church of *England*; together with the psalter or psalms of *David*, pointed as they are to be sung or said in churches; and the form or manner of making, ordaining and consecrating of bishops, priests and deacons.

The penalty  
for refusing.  
23 Geo. 2. c. 23.

V. And that all and every such person, who shall (without some lawful impediment to be allowed and approved of by the ordinary of the place) neglect or refuse to do the same within the time aforesaid, (or in case of such impediment within one month after such impediment removed,) shall *ipso facto* be deprived of all his spiritual promotions: and that from thenceforth it shall be lawful to and for all patrons and donors of all and singular the said spiritual promotions or of any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead.

Every person  
hereafter to  
be promoted  
to any eccle-  
siastical be-  
nefice shall  
read the com-  
mon prayer,  
and declare  
his assent  
thereto.

VI. And be it further enacted by the authority aforesaid, That every person who shall hereafter be presented or collated, or put into any ecclesiastical benefice or promotion within this realm of *England* and places aforesaid, shall in the church, chapel or place of publick worship belonging to the said benefice or promotion, within two months next after that he shall be in the actual possession of the said ecclesiastical benefice or promotion, upon some Lord's day, openly, publickly and solemnly, read the morning and evening prayers appointed to be read by and according to the said book of common prayer, at the times thereby appointed; and after such reading thereof shall openly and publickly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed according to the form before appointed: (2) and that all and every such person, who shall (without some lawful impediment to be allowed and approved by the ordinary of the place) neglect or refuse to do the same within the time aforesaid, (or in case of such impediment within one month after such impediment removed) shall (*ipso facto*) be deprived of all his said ecclesiastical benefices and promotions: (3) and that from thenceforth it shall and may be lawful to and for all patrons and donors of all and singular the said ecclesiastical benefices and promotions or any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead.

The pena'ty  
for not so do-  
ing.  
2 Show. 53.

VII. And be it further enacted by the authority aforesaid, That in all places where the proper incumbent of any parsonage or vicarage, or benefice with cure, doth reside on his living and keep a curate, the incumbent himself in person, (not having some lawful impediment to be allowed by the ordinary of the place) shall once (at the least) in every month, openly and publickly read the common prayers and service in and by the said book prescribed, and (if there be occasion) administer each of  
the

Incumbents  
of livings,  
keeping cu-  
rates, shall  
read the same  
once every  
month.

the sacraments and other rites of the church, in the parish church or chapel, of or belonging to the same parsonage, vicarage or benefice, in such order, manner and form, as in and by the said book is appointed; (2) upon pain to forfeit the sum of five pounds to the use of the poor of the parish for every offence, upon conviction by confession or proof of two credible witnesses upon oath before two justices of the peace of the county, city or town corporate, where the offence shall be committed, (which oath the said justices are hereby impowered to administer) and in default of payment within ten days, to be levied by distress and sale of the goods and chattels of the offender, by the warrant of the said justices, by the church-wardens, or overseers of the poor of the said parish, rendering the surplussage to the party.

The penalty and manner of conviction for not doing it.

(VIII. And be it further enacted by the authority aforesaid, That every dean, canon and prebendary of every cathedral or collegiate church, and all masters and other heads, fellows, chaplains and tutors of or in any college, hall, house of learning or hospital, and every publick professor and reader in either of the universities and in every college elsewhere, and every parson, vicar, curate, lecturer, and every other person in holy orders, and every school-master keeping any publick or private school, and every person instructing or teaching any youth in any house or private family as a tutor or school-master, who upon the first day of *May* which shall be in the year of our Lord God one thousand six hundred sixty-two, or at any time thereafter, shall be incumbent or have possession of any deanry, canonry, prebend, mastership, headship, fellowship, professor's place or reader's place, parsonage, vicarage or any other ecclesiastical dignity or promotion, or of any curate's place, lecture or school, or shall instruct or teach any youth as tutor or school-master, shall before the feast-day of *St. Bartholomew* which shall be in the year of our Lord one thousand six hundred sixty-two, or at or before his or their respective admission to be incumbent or have possession aforesaid, subscribe the declaration or acknowledgment following, *scilicet*,

Deans, canons, prebendaries, &c. shall subscribe the declaration.  
15 Car. 2. c. 6.  
See 12 Ann. Stat. 2. c. 7. and 2 Geo. 2. c. 31. s. 8.

IX. **I** A. B. do declare, That it is not lawful upon any pretence whatsoever, to take arms against the King: and that I do abhor that traitorous position of taking arms by his authority against his person or against those that are commissioned by him; and that I will conform to the liturgy of the church of England, as it is now by law established: and I do declare, That I do hold, there lies no obligation upon me or on any other person, from the oath commonly called, The solemn league and covenant, to endeavour any change or alteration of government either in church or state; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.

The declaration. In part abolished by 1 W. & M. sess. 1. c. 8. s. 11.

X. Which said declaration and acknowledgment shall be subscribed by every of the said masters and other heads, fellows, chaplains

The penalty  
for not sub-  
scribing.

chaplains and tutors of or in any college, hall or house of learning, and by every publick professor and reader in either of the universities, before the vice-chancellor of the respective universities for the time being or his deputy: and the said declaration or acknowledgment shall be subscribed before the respective archbishop, bishop or ordinary of the diocese, by every other person hereby enjoined to subscribe the same; (2) upon pain that all and every of the persons aforesaid failing in such subscription, shall lose and forfeit such respective deanry, canonry, prebend, mastership, headship, fellowship, professor's place, reader's place, parsonage, vicarage, ecclesiastical dignity or promotion, curate's place, lecture and school, and shall be utterly disabled, and (*ipso facto*) deprived of the same; (3) and that every such respective deanry, canonry, prebend, mastership, headship, fellowship, professor's place, reader's place, parsonage, vicarage, ecclesiastical dignity or promotion, curate's place, lecture and school, shall be void, as if such person so failing were naturally dead.

School mas-  
ters in private  
houses.

XI. And if any schoolmaster, or other person, instructing or teaching youth in any private house or family as a tutor or school-master, shall instruct or teach any youth as a tutor or school-master, before licence obtained from his respective archbishop, bishop, or ordinary of the diocese, according to the laws and statutes of this realm, (for which he shall pay twelve pence only) and before such subscription and acknowledgment made as aforesaid; then every such schoolmaster and other, instructing and teaching as aforesaid, shall for the first offence suffer three months imprisonment without bail or mainprize; (2) and for every second, and other such offence, shall suffer three months imprisonment without bail or mainprize, and also forfeit to his Majesty the sum of five pounds: (3) and after such subscription made, every such parson, vicar, curate and lecturer, shall procure a certificate under the hand and seal of the respective archbishop, bishop or ordinary of the diocese, (who are hereby enjoined and required upon demand to make and deliver the same) and shall publickly and openly read the same, together with the declaration or acknowledgment aforesaid, upon some Lord's day within three months then next following, in his parish church where he is to officiate, in the presence of the congregation there assembled, in the time of divine service; (4) upon pain that every person failing therein, shall lose such parsonage, vicarage or benefice, curate's place, or lecturer's place respectively, and shall be utterly disabled, and *ipso facto* deprived of the same; and that the said parsonage, vicarage or benefice, curate's place, or lecturer's place, shall be void as if he was naturally dead.

What to be  
omitted in the  
declaration  
after the 25th  
of March  
1682.

XII. Provided always, That from and after the twenty-fifth day of *March* which shall be in the year of our Lord God one thousand six hundred eighty-two, there shall be omitted in the said declaration or acknowledgment so to be subscribed and read these words following, *scilicet* :

(2) AND

(2) **A**ND I do declare, That I do hold there lies no obligation on me, or on any other person, from the oath commonly called, *The solemn league and covenant*, to endeavour any change or alteration of government either in church or state, and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.

(3) So as none of the persons aforesaid shall from thenceforth be at all obliged to subscribe or read that part of the said declaration or acknowledgment.

XIII. Provided always, and be it enacted, That from and after the feast of *St. Bartholomew*, which shall be in the year of our Lord one thousand six hundred sixty and two, no person who is now incumbent, and in possession of any parsonage, vicarage or benefice, and who is not already in holy orders by episcopal ordination, or shall not before the said feast-day of *Saint Bartholomew* be ordained priest or deacon, according to the form of episcopal ordination, shall have, hold or enjoy the said parsonage, vicarage, benefice with cure, or other ecclesiastical promotion within this kingdom of *England* or the dominion of *Wales*, or town of *Berwick upon Tweed*, but shall be utterly disabled, and (*ipso facto*) deprived of the same, and all his ecclesiastical promotions shall be void, as if he was naturally dead.

Persons not ordained priests or deacons according to episcopal ordination, shall not hold any ecclesiastical promotion.

XIV. And be it further enacted by the authority aforesaid, That no person whatsoever shall thenceforth be capable to be admitted to any parsonage, vicarage, benefice or other ecclesiastical promotion or dignity whatsoever, nor shall presume to consecrate and administer the holy sacrament of the Lord's supper, before such time as he shall be ordained priest according to the form and manner in and by the said book prescribed, unless he have formerly been made priest by episcopal ordination;

Nor shall consecrate or administer the holy sacrament, if not ordained according to the book of common prayer.

(3) upon pain to forfeit for every offence the sum of one hundred pounds; one moiety thereof to the King's majesty; the other moiety thereof to be equally divided between the poor of the parish where the offence shall be committed; and such person or persons as shall sue for the same by action of debt, bill, plaint or information, in any of his Majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed, and to be disabled from taking or being admitted into the order of priest, by the space of one whole year then next following.

The penalty.

XV. Provided that the penalties in this act shall not extend to the foreigners or aliens of the foreign reformed churches allowed or to be allowed by the King's majesty, his heirs and successors in *England*.

XVI. Provided always, That no title to confer or present by lapse, shall accrue by any avoidance or deprivation (*ipso facto*) by virtue of this statute, but after six months after notice of such avoidance or deprivation given by the ordinary to the patron, or such sentence of deprivation openly and publickly

read in the parish church of the benefice, parsonage or vicarage becoming void, or whereof the incumbent shall be deprived by virtue of this act.

No other form of common prayer to be openly used in any church or publick place.

XVII. And be it further enacted by the authority aforesaid, That no form or order of common prayers, administration of sacraments, rites or ceremonies, shall be openly used in any church, chapel or other publick place of or in any college or hall in either of the universities, the colleges of *Westminster*, *Winchester* or *Eaton*, or any of them, other than what is prescribed and appointed to be used in and by the said book; (2) and that the present governor or head of every college and hall in the said universities, and of the said colleges of *Westminster*, *Winchester* and *Eaton*, within one month after the feast of Saint *Bartholomew*, which shall be in the year of our Lord one thousand six hundred sixty and two; and every governor or head of any of the said colleges or halls hereafter to be elected, or appointed, within one month next after his election or collation, and admission into the same government or headship, shall openly and publickly in the church, chapel, or other publick place of the same college or hall, and in the presence of the fellows and scholars of the same, or the greater part of them, then resident, subscribe unto the nine and thirty articles of religion, mentioned in the statute made in the thirteenth year of the reign of the late Queen *Elizabeth*, and unto the said book, and declare his unfeigned assent and consent unto, and approbation of, the said articles, and of the same book, and to the use of all the prayers, rites and ceremonies, forms and orders in the said book prescribed and contained, according to the form aforesaid; (3) and that all such governors or heads of the said colleges and halls, or any of them, as are or shall be in holy orders, shall once (at least) in every quarter of the year (not having a lawful impediment) openly and publickly read the morning prayer and service in and by the said book appointed to be read in the church, chapel, or other publick place of the same college or hall; (4) upon pain to lose, and be suspended of and from all the benefits and profits belonging to the same government or headship, by the space of six months, by the visitor or visitors of the same college or hall; (5) and if any governor or head of any college or hall, suspended for not subscribing unto the said articles and book, or for not reading of the morning prayer and service as aforesaid, shall not at or before the end of six months next after such suspension, subscribe unto the said articles and book, and declare his consent thereunto as aforesaid, or read the morning prayer and service as aforesaid, then such government or headship shall be (*ipso facto*) void.

Subscription to the 39 articles mentioned in the stat. 13 Eliz. c. 12.

Who may use the service in latin.

XVIII. Provided always, That it shall and may be lawful to use the morning and evening prayer, and all other prayers and service prescribed in and by the said book, in the chapels or other publick places of the respective colleges and halls in both the universities, in the colleges of *Westminster*, *Winchester* and *Eaton*, and in the convocations of the clergies of either province,

in

in Latin; any thing in this act contained to the contrary notwithstanding.

XIX. And be it further enacted by the authority aforesaid, Lectures. That no person shall be or be received as a lecturer, or permitted, suffered or allowed to preach as a lecturer, or to preach or read any sermon or lecture in any church, chapel, or other place of publick worship, within this realm of *England* or the dominion of *Wales* and town of *Berwick upon Tweed*, unless he be first approved, and thereunto licenced by the archbishop of the province or bishop of the diocese, or (in case the see be void) by the guardian of the spiritualties, under his seal, and shall in the presence of the same archbishop or bishop, or guardian, read the nine and thirty articles of religion mentioned in the statute of the thirteenth year of the late *Queen Elizabeth*, <sup>13</sup> Eliz. c. 12. with declaration of his unfeigned assent to the same; (2) and that every person and persons who now is, or hereafter shall be licenced, assigned and appointed, or received as a lecturer, to preach upon any day of the week in any church, chapel or place of publick worship within this realm of *England* or places aforesaid, the first time he preacheth (before his sermon) shall openly, publickly and solemnly read the common prayers and service in and by the said book appointed to be read for that time of the day, and then and there publickly and openly declare his assent unto, and approbation of, the said book, and to the use of all the prayers, rites and ceremonies, forms and orders therein contained and prescribed, according to the form before appointed in this act; (3) and also shall upon the first lecture-day of every month afterwards, so long as he continues lecturer or preacher there, at the place appointed for his said lecture or sermon, before his said lecture or sermon, openly, publickly and solemnly read the common prayers and service in and by the said book appointed to be read for that time of the day at which the said lecture or sermon is to be preached, and after such reading thereof shall openly and publickly, before the congregation there assembled, declare his unfeigned assent and consent unto, and approbation of, the said book, and to the use of all the prayers, rites and ceremonies, forms and orders therein contained and prescribed, according to the form aforesaid; (4) and that all and every such person and persons who shall neglect or refuse to do the same, shall from thenceforth be disabled to preach the said or any other lecture or sermon in the said or any other church, chapel or place of publick worship, until such time as he and they shall openly, publickly and solemnly read the common prayers and service appointed by the said book, and conform in all points to the things therein appointed and prescribed, according to the purport, true intent and meaning of this act.

XX. Provided always, That if the said sermon or lecture Lectures in be to be preached or read in any cathedral or collegiate church cathedral or or chapel, it shall be sufficient for the said lecturer, openly collegiate at the time aforesaid, to declare his assent and consent to all churches. things

things contained in the said book, according to the form aforesaid.

The penalty upon persons disabled that preach.

Explained by 15 Car. 2. c. 6. s. 7.

XXI. And be it further enacted by the authority aforesaid, That if any person who is by this act disabled to preach any lecture or sermon, shall during the time that he shall continue and remain so disabled, preach any sermon or lecture; that then for every such offence, the person and persons so offending shall suffer three months imprisonment in the common gaol without bail or mainprize; (2) and that any two justices of the peace of any county of this kingdom and places aforesaid, and the mayor or other chief magistrate of any city or town corporate within the same, upon certificate from the ordinary of the place made to him or them of the offence committed, shall and are hereby required to commit the person or persons so offending, to the gaol of the same county, city or town corporate accordingly.

Common prayer to be read before every lecture, and the lecturer to be present.

XXII. Provided always, and be it further enacted by the authority aforesaid, That at all and every time and times when any sermon or lecture is to be preached, the common prayers and service in and by the said book appointed to be read for that time of the day shall be openly, publickly and solemnly read by some priest or deacon, in the church, chapel or place of publick worship, where the said sermon or lecture is to be preached, before such sermon or lecture be preached, and that the lecturer then to preach shall be present at the reading thereof.

Proviso for sermons and lectures in the universities.

XXIII. Provided nevertheless, That this act shall not extend to the university churches in the universities of this realm, or either of them, when or at such times as any sermon or lecture is preached or read in the said churches, or any of them, for or as the publick university sermon or lecture; but that the same sermons and lectures may be preached or read in such sort and manner as the same have been heretofore preached or read; this act, or any thing herein contained, to the contrary thereof in any wise notwithstanding.

The laws and statutes formerly made for uniformity of common prayer, confirmed, and to be executed for punishing offenders against this law.

XXIV. And be it further enacted by the authority aforesaid, That the several good laws and statutes of this realm, which have been formerly made, and are now in force, for the uniformity of prayer and administration of the sacraments, within this realm of *England* and places aforesaid, shall stand in full force and strength, to all intents and purposes whatsoever, for the establishing and confirming of the said book, intituled, *The book of common prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England; together with the psalter or psalms of David, pointed as they are to be sung or said in churches, and the form or manner of making, ordaining and consecrating of bishops, priests and deacons,* herein before mentioned to be joined and annexed to this act; and shall be applied, practised and put in ure for the punishing of all offences contrary to the said laws, with relation to the book aforesaid, and no other.

XXV. Pro-



XXV. Provided always, and be it further enacted by the authority aforesaid, That in all those prayers, litanies and collects relating to the King, Queen or royal progeny, the names be altered and changed from time to time, and fitted to the present occasion, according to the direction of lawful authority.

XXVI. Provided also, and be it enacted by the authority aforesaid, That a true printed copy of the said book, intituled, *The book of common prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England, together with the psalter or psalms of David, pointed as they are to be sung or said in churches, and the form and manner of making, ordaining and consecrating of bishops, priests and deacons,* shall at the costs and charges of the parishioners of every parish church and chapelry, cathedral church, college and hall be attained and gotten before the feast-day of Saint Bartholomew in the year of our Lord one thousand six hundred sixty and two; upon pain of forfeiture of three pounds by the month, for so long time as they shall then after be unprovided thereof, by every parish or chapelry, cathedral church, college and hall, making default therein.

XXVII. Provided always, and be it enacted by the authority aforesaid, That the bishops of *Hereford, St. David's, Asaph, Bangor and Landaff,* and their successors, shall take such order among themselves, for the souls health of the flocks committed to their charge within *Wales*, that the book hereunto annexed be truly and exactly translated into the *British* or *Welsh* tongue; and that the same so translated, and being by them, or any three of them at the least, viewed, perused and allowed, be imprinted to such number at least, so that one of the said books so translated and imprinted, may be had for every cathedral, collegiate and parish church, and chapel of ease, in the said respective dioceses and places in *Wales*, where the *Welsh* is commonly spoken or used, before the first day of *May* one thousand six hundred sixty-five; (2) and that from and after the imprinting and publishing of the said book so translated, the whole divine service shall be used and said by the ministers and curates throughout all *Wales* within the said dioceses where the *Welsh* tongue is commonly used, in the *British* or *Welsh* tongue, in such manner and form as is prescribed according to the book hereunto annexed to be used in the *English* tongue, differing nothing in any order or form from the said *English* book; for which book, so translated and imprinted, the church-wardens of every the said parishes shall pay out of the parish money in their hands for the use of the respective churches, and be allowed the same on their account; and that the said bishops and their successors, or any three of them at the least, shall set and appoint the price for which the said book shall be sold: (3) and one other book of common prayer in the *English* tongue shall be bought and had in every church throughout *Wales*, in which the book of common prayer in

*Welsh*

*Welsh* is to be had by force of this act, before the first day of *May* one thousand six hundred sixty and four, and the same books to remain in such convenient places within the said churches, that such as understand them may resort at all convenient times to read and peruse the same, and also such as do not understand the said language, may by conferring both tongues together, the sooner attain to the knowledge of the *English* tongue; any thing in this act to the contrary notwithstanding: (4) and until printed copies of the said book so to be translated may be had and provided, the form of common prayer established by parliament before the making of this act, shall be used as formerly in such parts of *Wales* where the *English* tongue is not commonly understood.

True and perfect copies of this act, and the book of common prayer, by whom, and how to be had and kept.

XXVIII. And to the end that the true and perfect copies of this act, and the said book hereunto annexed, may be safely kept and perpetually preserved, and for the avoiding of all disputes for the time to come; (2) be it therefore enacted by the authority aforesaid, That the respective deans and chapters of every cathedral or collegiate church within *England* and *Wales*, shall at their proper costs and charges, before the twenty-fifth day of *December* one thousand six hundred sixty and two, obtain under the great seal of *England* a true and perfect printed copy of this act, and of the said book annexed hereunto, to be by the said deans and chapters, and their successors, kept and preserved in safety for ever, and to be also produced and shewed forth in any court of record, as often as they shall be thereunto lawfully required; (3) and also there shall be delivered true and perfect copies of this act and of the same book, into the respective courts at *Westminster*, and into the tower of *London*, to be kept and preserved for ever among the records of the said courts; and the records of the tower, to be also produced and shewed forth in any court, as need shall require; (4) which said books so to be exemplified under the great seal of *England*, shall be examined by such persons as the King's majesty shall appoint, under the great seal of *England*, for that purpose, and shall be compared with the original book hereunto annexed, and shall have power to correct and amend in writing any error committed by the printer in the printing of the same book, or of any thing therein contained, and shall certify in writing under their hands and seals, or the hands and seals of any three of them, at the end of the same book, that they have examined and compared the same book, and find it to be a true and perfect copy; (5) which said books, and every one of them, so exemplified under the great seal of *England* as aforesaid, shall be deemed, taken, adjudged, and expounded to be good and available in the law, to all intents and purposes whatsoever, and shall be accounted as good records as this book itself hereunto annexed; any law or custom to the contrary in any wise notwithstanding.

Proviso for the King's profes-

XXIX. Provided also, That this act, nor any thing therein contained, shall not be prejudicial or hurtful unto the King's pro-

professor of the law within the university of *Oxford*, for or concerning the prebend of *Skipton* within the cathedral church of *Oxford*.  
*Sarum*, united and annexed unto the place of the same King's professor for the time being by the late King *James* of blessed memory.

XXX. Provided always, That whereas the six and thirtieth article of the nine and thirty articles agreed upon by the archbishops and bishops of both provinces, and the whole clergy, in the convocation holden at *London* in the year of our Lord one thousand five hundred sixty-two, for the voiding of diversities of opinions, and for establishing of consent touching true religion, is in these words following, viz.

(2) "That the book of consecration of archbishops and bishops, and ordaining of priests and deacons, lately set forth in the time of King Edward the Sixth, and confirmed at the same time by authority of parliament, doth contain all things necessary to such consecration and ordaining, neither hath it any thing that of it self is superstitious and ungodly: and therefore whosoever are consecrated or ordered according to the rites of that book, since the second year of the aforesaid King Edward unto this time, or hereafter shall be consecrated or ordered according to the same rites, we decree all such to be rightly, orderly and lawfully consecrated and ordered."

XXXI. It be enacted, and be it therefore enacted by the authority aforesaid, That all subscriptions hereafter to be had or made unto the said articles by any deacon, priest or ecclesiastical person, or other person whatsoever, who by this act, or any other law now in force, is required to subscribe unto the said articles, shall be construed, and be taken to extend, and shall be applied (for and touching the said six and thirtieth article) unto the book containing the form and manner of making, ordaining and consecrating of bishops, priests and deacons, in this act mentioned, in such sort and manner as the same did heretofore extend unto the book set forth in the time of King *Edward* the Sixth, mentioned in the said six and thirtieth article; any thing in the said article, or in any statute, act or canon heretofore had or made, to the contrary thereof in any wise notwithstanding.

XXXII. Provided also, That the book of common prayer, and administration of the sacraments, and other rites and ceremonies of this church of *England*, together with the form and manner of ordaining and consecrating bishops, priests and deacons, heretofore in use, and respectively established by act of parliament in the first and eighth years of Queen *Elizabeth*, shall be still used and observed in the church of *England*; until the feast of *St. Bartholomew*, which shall be in the year of our Lord God one thousand six hundred sixty and two. *EXP. as to this lost clause.*

CAP.