

*ed, That a joint stock of forty thousand pounds, at least, should be raised by subscriptions by the several persons in the said act named, and should be paid at such times, and in such manner, as should be directed and appointed by the governor or deputy governors, and court of committees of the company by the said act established for the time being, so as the whole sum to be subscribed be paid within four years; and that the said company should pay no further or other custom for the oil, blubber or fins, caught and imported in their ships or vessels, than if they had been navigated with three fourths of the mariners English: and whereas the several persons in the said act named did subscribe to the said joint stock the sum of eighty two thousand pounds, but by reason of the present war with France, and the scarcity of seamen, the said company cannot at present employ all the said money subscribed to the said joint stock in the said trade: and whereas some doubt or scruple hath been made, whether the oil, blubber and fins, taken and imported in and by the ships of the said company, ought not to pay some duty or custom to his Majesty: may it please your Majesty that it may be enacted, &c.*

Remainder of the joint stock to be paid as the governor, &c. shall appoint. The whole to be paid before 25 March, 1703. Company not to pay custom for oil, &c. imported into England.

#### C A P. XXXIV.

*An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form.*

**W**HEREAS divers dissenters, commonly called quakers, refusing to take an oath in courts of justice and other places, are frequently imprisoned, and their estates sequestred, by process of contempt issuing out of such courts, to the ruin of themselves and families: for remedy thereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the fourth day of *May*, which shall be in the year of our Lord, one thousand six hundred ninety six, every quaker within this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, who shall be required upon any lawful occasion to take an oath, in any case where by law an oath is required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following, *viz.*

Quakers instead of an oath to make the following affirmation,

Carthew, 448.

*I A. B. do declare in the presence of Almighty God, the witness of the truth of what I say.* 8Geo. 1. c. 6.

II. Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be, of the same force and effect, to all intents and purposes, in all courts of justice and other places where by law an oath is required, as an oath.

quired within this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, as if such quaker had taken an oath in the usual form.

Penalty on  
false affirma-  
tion.

III. And be it further enacted by the authority aforesaid, That if any quaker, making such solemn affirmation or declaration, shall be lawfully convicted, wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which, if the same had been in the usual form, would have amounted to wilful and corrupt perjury; every such quaker so offending shall incur the same penalties and forfeitures, as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

If quakers re-  
fuse to pay  
tithes, &c.  
Justices, on  
stating what is  
due, may com-  
pel them  
thereto, if the  
sum be under  
10*l*.

IV. And whereas, by reason of a pretended scruple of conscience, quakers do refuse to pay tithes and church rates; be it enacted by the authority aforesaid, That where any quaker shall refuse to pay or compound for his great or small tithes, or to pay any church rates, it shall and may be lawful to and for the two next justices of peace of the same county (other than such justice of the peace as is patron of the church or chapel, whence the said tithes do or shall arise, or any ways interested in the said tithes) upon the complaint of any parson, vicar, farmer, or proprietor of tithes, churchwarden or churchwardens, who ought to have, receive, or collect the same, by warrant under their hands and seals, to convene before them such quaker or quakers neglecting or refusing to pay or compound for the same, and to examine upon oath (which oath the said justices are hereby impowered to administer) or in such manner as by this act is provided, the truth and justice of the said complaint, and to ascertain and state what is due and payable by such quaker or quakers to the party or parties complaining, and by order under their hands and seals to direct and appoint the payment thereof, so as the sum ordered, as aforesaid, do not exceed ten pounds; and upon refusal by such quaker or quakers to pay according to such order, it shall and may be lawful to and for any one of the said justices, by warrant under his hand and seal, to levy the moneys thereby ordered to be paid, by distress and sale of the goods of such offender, his executors or administrators, rendering only the overplus to him, her, or them, necessary charges of distraining being thereout first deducted and allowed by the said justice; and any person finding him, her, or themselves aggrieved by any judgment given by such two justices of the peace, shall and may appeal to the next general quarter sessions to be held for the county, riding, city, liberty, or town corporate; and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment, if they shall see cause; and if the justices then present, or the major part of them, shall find cause to continue the judgment given by the first two justices of the peace, they shall then decree the same by order of sessions, and shall also proceed to give such costs against the appellant, to be levied by distress and sale of the goods and chattels, of the  
said

Persons ag-  
grieved may  
appeal to the  
quarter sessi-  
ons, who are  
finally to de-  
termine.  
If judgment  
be confirmed  
to give costs.  
No judgment  
to be super-

said appellant, as to them shall seem just and reasonable; and no proceedings or judgment had or to be had by virtue of this act shall be removed or superseded by any writ of *certiorari* or other writ out of his Majesty's courts at *Westminster*, or any other court whatsoever, unless the title of such tithes shall be in question.

V. Provided always, That in case any such appeal be made as aforesaid, no warrant of distress shall be granted until after such appeal be determined.

VI. Provided, and be it enacted, That no quaker or reputed quaker shall by virtue of this act be qualified or permitted to give evidence in any criminal causes, or serve on any juries, or bear any office or place of profit in the government; any thing in this act contained to the contrary in any wise notwithstanding.

VII. Provided, That this act shall continue in force for the space of seven years, and from thence to the end of the next session of parliament, and no longer.

### C A P. XXXV.

*An act for the enforcing the laws which restrain marriages without licence or banns, and for the better registering marriages, births, and burials.*

WHEREAS by an act of parliament made in the fifth and sixth years of the reign of his Majesty King William, and the late Queen Mary of blessed memory, intituled, An act for granting to their Majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France, it is amongst other things enacted, That a duty or imposition of five shillings shall be rated, levied, collected and paid, for every piece of paper or parchment, upon which any licence or certificate of marriage should be written or ingrossed: and whereas by a clause in another act of parliament made in the sixth and seventh years of his Majesty's reign, intituled, An act for granting to his Majesty, certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war against France with vigour, it is amongst other things enacted and provided, That no person shall be married at any place pretended to be exempted from the visitation of the bishop of the diocese, without a licence first had and obtained, except the banns shall be published and certified according to law; and that every parson, vicar, and curate, who shall marry any persons contrary to the true intent and meaning thereof, shall forfeit the sum of one hundred pounds: which clause was so enacted and provided for the better ascertaining, levying, and collecting the aforesaid duty of five shillings upon every licence or certificate of marriage, but by experience is found ineffectual for the same, in regard the said penalty of one hundred pounds is not extended to every offence of the same parson, vicar, or curate, so offending as aforesaid: and whereas the force and intent of the said clause is otherwise eluded and made of none effect, by several parsons, vicars, and curates, who to avoid the said penalty of one hundred pounds,