

The first parliament of Queen Anne: First session - Act preventing occasional conformity - begins 20/10/1702

Pages 212-217

The History and Proceedings of the House of Commons: Volume 3, 1695-1706. Originally published by Chandler, London, 1742.

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Citation:

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'The first parliament of Queen Anne: First session - Act preventing occasional conformity - begins 20/10/1702', in *The History and Proceedings of the House of Commons: Volume 3, 1695-1706* (London, 1742), pp. 212-217. *British History Online* <http://www.british-history.ac.uk/commons-hist-proceedings/vol3/pp212-217> [accessed 5 March 2020].

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Footnotes

The ACT for preventing Occasional Conformity. The BILL and AMENDMENTS.

The Commons Agreement and Disagreement, to the Amendments made by the Lords to the Bill for Preventing Occasional Conformity, with the Commons Amendments to the Lords Amendments.

The Amendments made by the Lords to the Bill for preventing Occasional Conformity. [The Lords' amendments, and the Commons' reactions, are given in the footnotes - Ed.]

Decemb. 2, 1702.

As nothing is more contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of England, than Persecution for Conscience only; in due consideration whereof, an Act passed in the first Year of the Reign of the late King William and Queen Mary [\(fn. 1\)](#) [\(fn. 2\)](#), intituled, *An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws*; which Act ought inviolably to be observed, and Ease given to all Consciences truly scrupulous [\(fn. 3\)](#) [\(fn. 4\)](#); nevertheless, whereas [\(fn. 5\)](#) [\(fn. 6\)](#) the Laws do provide that every Person to be admitted into any Office or Employment should be conformable to the Church, as it is by Law established, by enacting, that every such Person, so to be admitted, should receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of England; yet several Persons dissenting from the Church, as it is by Law established, do join with the Members thereof in receiving the Sacrament of the Lords Supper, to qualify themselves to have and enjoy such [\(fn. 7\)](#) [\(fn. 8\)](#) Offices and Employments, and do

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spiritual and temporal, and Commons in Parliament assembled, and by Authority of the same, that if any Person or Persons after the first Day of March, which shall be in the Year of our Lord, one thousand seven hundred and two, either Peers or Commoners, who have or shall have any Office or Offices, civil or military, or receive any Pay, Salary, Fee, or Wages, by reason of any Patent or Grant from her Majesty, or shall have any Command or Place of Trust from or under her Majesty, or from any of her Majesty's Predecessors, or by her or their Authority, or by Authority derived from her or them, within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, or in her Majesty's Navy, or in the several Islands of Jersey and Guernsey, or shall be admitted into any Service or Employment in her Majesty's Household or Family [\(fn. 9\)](#) [\(fn. 10\)](#); or if any Mayor, Alderman, Recorder, Bayliff, Town Clerk, CommonCouncil-Man, or other Person bearing any Office of Magistracy or Place of Trust, or other Employment relating to or concerning the Government of the respective Cities, Corporations, Boroughs, Cinque-Ports, and their Members, and other Port-Towns within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, who by the Laws are obliged to receive the Sacrament of the Lord's-Supper, according to the Rites and Usage of the Church of England, shall at any time after their Admission into their respective Offices or Employments, or after having such Grant, as aforesaid, during his or their Continuance in such Office or Offices, Employment or Employments, or the Enjoyment of any Profit or Advantage from the same, shall [\(fn. 11\)](#) [\(fn. 12\)](#) resort to or be present at any Conventicle, Assembly or Meeting, under Colour or Pretence of any Exercise of Religion, in other Manner than according to the Liturgy and Practice of the Church of England, in any Place within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, at which Conventicle, Assembly or Meeting, there shall be five Persons or more assembled together, over and besides those of the same Household, if it be in any House where there is a Family inhabiting, or if it be in an House or Place where there is no Family inhabiting, then where any five Persons or more are so assembled, as aforesaid [\(fn. 13\)](#) [\(fn. 14\)](#), shall forfeit the Sum of one hundred Pounds, and five Pounds for every day, that any such Person or Persons shall continue in the Execution of such Office or Employment [\(fn. 15\)](#) [\(fn. 16\)](#), after he or they shall have resorted to or been present at any such Conventicle, Assembly or Meeting as aforesaid, to be recovered by him or them that shall sue for the same, by any Action of Debt, Bill, Plaint or Information; in any of her Majesty's Courts at Westminster, wherein no Essoign, Protection or Wager of Law shall be allowed, and no more than one Imparlance.

And be it further enacted, that every Person convicted in any Action to be brought, as aforesaid, or upon any Information, Presentment or Indictment in any of her Majesty's Courts at Westminster, or at the Assizes, shall be disabled from thenceforth to hold such Office or Offices, Employment or Employments, or to receive any Profit or Advantage by reason of them, or of any Grant, as aforesaid [\(fn. 17\)](#) [\(fn. 18\)](#), and shall be adjudged incapable to bear any Office or Employment whatsoever, within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed.

[\(fn. 19\)](#) [\(fn. 20\)](#) [\(fn. 21\)](#) [\(fn. 22\)](#) Provided always, and be it farther enacted by the Authority aforesaid, that if any Person or Persons who shall have been convicted, as aforesaid, and thereby made incapable to hold any Office or Employment, shall, after such Conviction, conform to the Church of *England* for the Space of one Year, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and receive the Sacrament of the Lord's Supper at least three times in the Year; every such Person or Persons shall be capable of a Grant of any Office or Employment, or of being elected into or holding of any the Offices or Employments aforesaid.

[\(fn. 23\)](#) [\(fn. 24\)](#) Provided also, and be it enacted, that every Person so convicted, and afterwards conforming in Manner, as aforesaid, shall at the next Term after his Admission into any such Office or Employment, make Oath in Writing, in any of her Majesty's Courts at Westminster, in public and open Court, between the Hours of nine of the Clock and twelve in the Forenoon, or at the next Quarter-Sessions for that County or Place where he shall reside, that he has conformed to the Church of England for the Space of one Year before such his Admission, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and that he has received the Sacrament of the Lord's Supper at least three times in the Year, which Oath shall be there enrolled and kept upon record.

[\(fn. 25\)](#) [\(fn. 26\)](#) [\(fn. 27\)](#) [\(fn. 28\)](#) Provided also, and be it further enacted by the Authority aforesaid, that if any Person after such his Admission, as aforesaid, into any Office or Employment, shall a second time offend, in manner aforesaid, and shall be thereof lawfully convicted, he shall for such Offence incur double the Penalties before mentioned, to be recovered in manner, as aforesaid, and shall forfeit such Office or Employment, and shall not be capable of having any Office or Employment, until he shall have conformed for the Space of three Years, in manner aforesaid, whereof Oath shall be made in Writing in one of her Majesty's Courts at Westminster, or at the Quarter-Sessions of the County where he resides.

Footnotes

- Line 9. After *[Mary]* add *[of glorious Memory]*
- Agreed to by the Commons.
- l. 16. After *[Scrupulous]* add *[but]*
- Disagreed to by the Commons.
- l. 17. Leave, out from *[whereas]* *[severa]* inthe 27th line.
- Disagreed to by the Commons.
- l. 3. Leave out *[Such]*
- Disagreed to by the Commons.
- l. 41. leave out from *[Family]* to *[shall]* in the 10th line in the next Page.
- Disagreed to by the Commons.
- l. 17. Leave out *[shall]* and read *[knowingly and willingly]*
- Agreed to by the Com.
- l. 38. After *[aforesaid]* add *[or at any Meeting where her Liturgy is used, and where her Majesty and the Princess Sophia shall not be prayed for in express Words, according to the Liturgy of the Church of England.]* 1. To which Amendments of the Commons (to the Lords Amendment) as entered on the other side, the Lords agreed, with the Addition following: 2. After the words *[prayed for]* in the Commons Amendment, add *[in pursuance of an Act passed in the first Year of King William and Queen Mary, intituled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown; and the Act passed in the twelfth and thirteenth of King William the Third, intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject.]*
- Agreed to by the Commons with the Amendments following, viz. 1. After the word *[or]* add *[shall knowingly and willingly be present.]* After the word *[any]* add *[such.]* After the word *[Meeting]* leave out *[where]* and insert *[in such House or Place, as aforesaid, although]* After *[Liturgy]* leave out *[is]* and insert *[be there]* After *[used]* leave out *[and where]* and insert *[in case]* After *[Majesty]* add *[whom God long preserve, Catherine the Queen Dowager]* After *[Sophia]* add *[or such others as shall from time to time be lawfully appointed to be prayed for]* After *[be]* add *[there]* 2. To which Addition of the Lords (to the Amendments made by the Commons to the Lords Amendment) as entred on the other side, the Commons agreed.
- L. 1. Leave out *[One hundred Pounds, and five Pounds for every Day that such Person or Persons shall continue in the Execution of such Office or Employment]* and instead thereof insert *[twenty Pounds, to be divided into three Parts, whereof one third Part to the Queen, one other to the Poor of the Parish where the Offence shall be committed, and one third Part to the Informer.]*
- Disagreed to by the Commons.
- Line 28. leave out from *[aforesaid]* to the End of the Bill.
- Disagreed to by the Commons.
- And add the Clauses A, B, C, D, E. [A] *Provided, that no Person shall suffer any Punishment for any Offence committed against this Act, unless Oath be made of such Offence before some Judge or Justice of the Peace (who is hereby empowered and required to take the said Oath) within ten Days after the said Offence committed, and unless the said Offender be prosecuted for the same within 3 Months after the said Offence committed; nor shall any Person be convicted for any such Offence, unless upon the Oath of two credible Witnesses at the least.*
- Clause [A] agreed to by the Commons.
- [B] *Provided, always, and be it enacted, that from and after the said first day of March, no Protestant Dissenter shall be compelled or compellable to take, serve, hold or bear any Office or Place whatsoever, for the taking, serving or holding whereof he cannot be duly qualify'd by Law, without receiving the Holy Sacrament according to the Usage of the Church of England, and also making and subscribing the Declaration mentioned in the Statute, made 25 Car. 2. intituled, An Act for preventing Dangers which may happen from Popish Recusants, any Statute, Law, Usage, or other thing to the contrary notwithstanding.*
- Clause [B] disagreed to by the Commons.
- [C] *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 same Churches, or any of them, for, or as the public University Sermon or Lecture, but that the same Sermons and Lectures may be preached or read, in such Sort or Manner, as the same have been heretofore preached or read; this Act, or any thing therein contained to the contrary, in any wise notwithstanding.*
- Clause [C] disagreed to by the Commons.
- [D] *Provided, that no Person shall incur any the Penalties in this Act, by resorting to, or being present at the religious Exercises used in the Dutch and French Languages in Churches established in this Realm, in the Reigns of King Edward the Sixth, or of Queen Elizabeth, or of any other King or Queen of this Realm.*
- Clause [D] disagreed to by the Commons.
- [E] *Provided always, and be it enacted by the Authority aforesaid, that nothing in this Act shall extend, or be construed to extend to any Governor or Governors of any Hospital or Hospitals; or to any Assistants of any Corporation or Corporations, Work-house or Works-houses, constituted, erected or employed for the Relief, and setting of the Poor on Work, and for punishing of Vagrants and Beggars; all which said Persons, and every of them, shall be, and are hereby exempted from all the Penalties mentioned in this Act, and are hereby adjudged and declared not to be subject or liable to any of the Penalties or Forfeitures mentioned in one Act of Parliament made in the 25th Year of the Reign of King Charles the Second, For preventing Dangers which may happen from Popish Recusants, for or by reason of any of the aforesaid Offices or Employments.*
- Clause [E] disagreed to by the Commons.

Source type	Place		Subject		Period	
Datasets	East	South west	Administrative and legal	Local	Ancient	15th century
Guides and calendars	London	Ireland	Colonial	Parliamentary	Early medieval	16th century
Maps	Midlands	Scotland	Economic	Religious	11th century	17th century
Primary sources	North	Wales	Historical geography	Urban	12th century	18th century
Secondary texts	South east		Intellectual and cultural		13th century	19th century
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