

## [STATUTES OF GREAT BRITAIN, 1778] [1]

[Anno decimo octavo Georgii III. c. 60.]

## CAP. LX.

**An Act for relieving His Majesty's Subjects professing the Popish Religion from certain Penalties and Disabilities imposed on them by an Act made in the Eleventh and Twelfth Years of the Reign of King William the Third, intituled, *An Act for the further preventing the Growth of Popery.***

[1]

11 & 12 W.3.  
c. 4. § 1-4.

WHEREAS it is expedient to repeal certain Provisions in an Act of the Eleventh and Twelfth Years of the Reign of King *William the Third*, intituled, *An Act for the further preventing the Growth of Popery*, [2] whereby certain Penalties and Disabilities are imposed on Persons professing the Popish Religion:

May it please Your Majesty that it may be enacted; and 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

so much of the said Act as relates to the apprehending, taking or prosecuting, of Popish Bishops, Priests or Jesuits; and

also so much of the said Act as subjects Popish Bishops, Priests or Jesuits, and Papists, or Persons professing the Popish Religion, and

keeping School, or

taking upon themselves the Education or Government or Boarding of Youth,

within this Realm, or the Dominions thereto belonging, to perpetual Imprisonment; and

also so much of the said Act as

disables Persons educated in the Popish Religion, or professing the same, under the Circumstances therein mentioned, to inherit or take by Descent, Devise or Limitation, in Possession, Reversion or Remainder, any Lands, Tenements or Hereditaments within the Kingdom of *England*, Dominion of *Wales* and Town of *Berwick upon Tweed*, and

gives to the next of Kin, being a Protestant, a Right to have and enjoy such Lands, Tenements and Hereditaments; and

also so much of the said Act as

disables Papists, or Persons professing the Popish Religion, to purchase any Manors, Lands, Profits out of Lands, Tenements, Rents, Terms or Hereditaments, within the Kingdom of *England*, Dominion of *Wales* or town of *Berwick upon Tweed*, and

makes void all and singular Estates, Terms and other Interests or Profits whatsoever out of Lands, to be made, suffered or done from and after the Day therein mentioned,

to or for the Use or Behoof of any such Person or Persons, or

upon any Trust or Confidence, mediately or immediately, for the Relief of any such Person or Persons;

shall be, and the same, and every Clause and Matter and thing hereinbefore mentioned, is and are hereby repealed.

[1] [Source: *Statutes at Large*, Raithby (1811), vol 14 pp 389-391; also Pickering (1778), vol 32 pp 152-154. This act was passed (received royal assent) on 3 June 1778 and under the legal doctrine of the time it would have been deemed to have come into force retroactively on 20 November 1777, the date of commencement of the session. Cited unofficially as the (first) Roman Catholic Relief Act, or the Papists Act, of 1778, or as Sir George Savile's act. Repealed by *The Promissory Oaths Act, 1871*, 34 & 35 V c 48 s 1 Sch 1 Pt I.]

[2] [Popery Act of 1698]

repealed.

Proviso for  
Titles not  
hitherto  
litigated;

**II.** And be it enacted by the Authority aforesaid, That every Person and Persons having or claiming any Lands, Tenements or Hereditaments, under Titles not hitherto litigated, though derived from any Descent, Devise, Limitation or Purchase, shall have, take, hold and enjoy the same, as if the said Act, or any thing therein contained, had not been made; any thing in the said Act contained to the contrary notwithstanding.

for Action  
depending,  
&c.

**III.** Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to affect any Action or Suit now depending, which shall be prosecuted with Effect and without Delay.

**IV.** Provided also, That nothing herein contained shall extend, or be construed to extend, to any Person or Persons but such

who shall, within the Space of Six Calendar Months after the passing of this Act, or of accruing of his, her or their Title, being of the Age of Twenty one Years, or

who,

being under the Age of Twenty one Years, shall, within Six Months after he or she shall attain the Age of Twenty one Years, or

for Infants,

being of unsound Mind, or in Prison, or beyond the Seas, then within Six Months after such Disability removed,

take and subscribe an Oath in the Words following:

Oath.

I A. B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to His Majesty King *George* the Third, and him will defend, to the utmost of my Power, against all Conspiracies and Attempts whatever that shall be made against his Person, Crown or Dignity;

and I will do my utmost Endeavour to disclose and make known to His Majesty, his Heirs and Successors, all Treasons and traiterous Conspiracies which may be formed against him or them;

and I do faithfully promise to maintain, support and defend, to the utmost of my Power, the Succession of the Crown in His Majesty's Family, against any Person or Persons whatsoever; hereby utterly renouncing and abjuring any Obedience or Allegiance

unto the Person taking upon himself the Stile and Title of *Prince of Wales*, in the Lifetime of his Father, and who, since his Death, is said to have assumed the Stile and Title of *King of Great Britain*, by the Name of *Charles the Third*, and

to any other Person claiming or pretending a Right to the Crown of these Realms;

and I do swear, that I do reject and detest, as an unchristian and impious Position, That it is lawful to murder or destroy any Person or Persons whatsoever, for or under Pretence of their being Heretics; and also that unchristian and impious Principle, That no Faith is to be kept with Heretics:

I further declare, that it is no Article of my Faith, and that I do renounce, reject and abjure the Opinion, That Princes excommunicated by the Pope and Council, or by any Authority of the See of *Rome*, or by any Authority whatsoever, may be deposed or murdered by their Subjects, or any Person whatsoever:

And I do declare, that I do not believe that the Pope of *Rome*, or any other foreign Prince, Prelate, State or Potentate, hath, or ought to have any temporal or civil Jurisdiction, Power, Superiority or Pre-eminence, directly or indirectly, within this Realm.

And I do solemnly, in the Presence of God, profess, testify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words of this Oath;

without any Evasion, Equivocation or mental Reservation whatever, and

without any Dispensation already granted by the Pope, or any Authority of the See of *Rome*, or any Person whatever; and

without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Persons or Authority whatsoever, shall dispense with or annul the same, or declare that it was null or void.

Which Oath it shall be competent

What Courts  
may admin-  
ister Oath.

to His Majesty's High Court of Chancery, or  
to any of

His Majesty's Courts of Record at *Westminster*,

the Courts of Great Sessions within the Principality of *Wales* and County Palatine of *Chester*,

the Courts of Chancery or Common Pleas within the Counties Palatine of *Lancaster* and *Durham*, or

to any Court of General or Quarter-Sessions of the Peace of any County, Riding, Liberty, City, Borough, Town or Place in the Kingdom of *England*, or in the Principality of *Wales*,

to administer,

and they are hereby required to administer the same accordingly;

**Register.**

of the taking and Subscribing of which Oaths a Register shall be kept and preserved, in the manner prescribed by the Laws now in being requiring Oaths from Persons taking Offices or Employments.

**Proviso for  
Popish  
Bishops, &c.**

V. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed to extend to any Popish Bishop, Priest, Jesuit or Schoolmaster, who shall not have taken and subscribed the above Oath in the above Words, before he shall have been apprehended or any Prosecution commenced against him.