

THE CONVENTICLE ACT

17 May 1664

- I. Whereas an Act made in the five-and thirtieth year of the reign of our late sovereign lady Queen Elizabeth entitled *An Act to Retain the Queen's Majesty's Subjects in their Due Obedience* has not been put in due execution by reason of some doubt of late made whether the said Act be still in force, although it be very clear and evident, and it is hereby declared that the said Act is still in force, and ought to be put in due execution.
- II. For providing therefore of further and more speedy remedies against the growing and dangerous practices of seditious sectaries, and other disloyal persons who, under pretence of tender consciences, do at their meetings contrive insurrections, as late experience has showed.
- III. 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 if any person of the age of sixteen years or upwards, being a subject of this realm, at any time after the first day of July, which shall be in the year of our Lord 1664 shall be present at any assembly, conventicle, or meeting under color or pretence of any exercise of religion, in other manner than is allowed by the liturgy or 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, meeting, or assembly there shall be five persons or more assembled together, over and above those of the same household, then it shall and may be lawful to and for any two justices of the peace of the county, limit, division, or liberty wherein the offence aforesaid shall be committed, or for the chief magistrate of the place where such offence aforesaid shall be committed (if it be within a corporation where there not two justices of the peace), and they are hereby required and enjoined upon proof to them or him respectively made of such offence, either by confession of the party or oath of witness or notorious evidence of the fact (which oath the said justices of the peace and chief magistrate respectively are hereby empowered and required to administer) to make a record of every such offence and offences under their hands and seals respectively. Which record so made as aforesaid, shall, to all intents and purposes be in law taken and adjudged to be a full and perfect conviction of every such offender for such offence. And thereupon the said justices and chief magistrates respectively shall commit every such offender so convicted as aforesaid to the gaol or house of correction, there to remain without bail or main-prize for any time not exceeding the space of three months, unless such offender shall pay down to the said justices or chief magistrate such sum of money, not exceeding five pounds, as the said justices or chief magistrate (who are hereby thereunto authorized and required) shall fine the said offender at for his or her said offence, which money shall be paid to the church-wardens for the relief of the poor of the parish where such offender did list inhabit.
- IV. And be it further enacted by the authority aforesaid that if such offender so convicted as aforesaid, shall at any time again commit the like offence contrary to this Act, and be thereof in manner aforesaid convicted, then such offender so convicted of such second offence shall incur the penalty of imprisonment in the gaol or house of correction for any time not exceeding six months, without bail or main-prize, unless such offender shall pay down to the said justices or chief magistrate such sum of money, not exceeding ten pounds, as the said justices or chief magistrate (who are thereunto authorized and required, as aforesaid) shall fine the said offender at for his or her said second offence, the said fine to be disposed in manner aforesaid.
- V. And be it further enacted by the authority aforesaid, that if any such offender so convicted of a second offence contrary to this Act in manner aforesaid shall at any time again commit the like offence contrary to this Act, then any two justices of the peace and chief magistrate, as aforesaid, respectively shall commit every such offender to the gaol or house of correction, there to remain without bail or

main-prize until the next general quarter sessions assizes, gaol delivery, great sessions, or sitting of any commission of oyer and terminer in the respective county, limit, division, or liberty which shall first happen; when and where every such offender shall be proceeded against by indictment for such offence, and shall forthwith be arraigned upon such indictment and shall then plead the general issue of not guilty, and give any special matter in evidence or confess the indictment; and if such offender proceeded against shall be lawfully convicted of such offence, either by confession or verdict, or if such offender shall refuse to plead the general issue or to confess the indictment, then the respective justices of the peace at their general quarter sessions, judges of assize and gaol delivery at the assizes and gaol delivery, justices of the great sessions at the great sessions, and commissioners of oyer and terminer at their sitting are hereby enabled and required to cause judgment to be entered against such offender that such offender shall be transported beyond the seas to any of His Majesty's foreign plantations (Virginia and New England only excepted), there to remain seven years, and shall forthwith under their hands and seals make out warrants to the sheriff or sheriffs of the same county where such conviction or refusal to plead or to confess as aforesaid shall be, safely to convey such offender to some port or haven nearest or most commodious to be appointed by them respectively, and from thence to embark such offender to be safely transported to any of His Majesty's plantations beyond the seas, as shall be also by them respectively appointed (Virginia and New England only excepted).

Whereupon the said sheriff shall safely convey and embark, or cause to be embarked, such offender to be transported as aforesaid, under pain of forfeiting for default of so transporting every such offender the sum of forty pounds of lawful money; the one moiety thereof to the King, and the other moiety to him or them that shall sue for the same in any of the King's courts of record by bill, plaint, action of debt, or information; in any of which, no wager of law, essoin, or protection shall be admitted.

And the said respective court shall then also make out warrants to the several constables, head-boroughs, or tithingmen of the respective places where the estate, real or personal, of such offender so to be transported shall happen to be, commanding them thereby to sequester into their hands the profits of the lands, and to distrain and sell the goods of the offender so to be transported, for the reimbursing of the said sheriff all such reasonable charges as he shall be at, and shall be allowed him by the said respective court for such conveying and embarking of such offender so to be transported, rendering to the party, or his or her assigns, the over-plus of the same, if any be, unless such offender, or some other on behalf of such offender so to be transported, shall give the sheriff such security as he shall approve of for the paying all the said charges unto him.

- VI. And be it further enacted by the authority aforesaid that in default of defraying such charges by the parties to be transported, or some other in their behalf, or in default of security given to the sheriff, as aforesaid, it shall and may be lawful for every such sheriff to contract with any master of a ship, merchant, or other person for the transporting of such offender at the best rate he can.

And that in every such case it shall and may be lawful for such persons so contracting with any sheriff for transporting such offender as aforesaid to detain and employ every such offender so by them transported as a laborer to them or their assigns, for the space of five years, to all intents and purposes as if he or she were bound by indentures to such person for that purpose.

And that the respective sheriffs shall be allowed or paid from the King upon their respective accounts in the Exchequer all such charges by them expended for conveying, embarking, and transporting of such persons which shall be allowed by the said respective courts from whence they received their respective warrants, and which shall not have been by any of the ways aforementioned paid, secured, or re-imbursed unto them as aforesaid.

- VII. Provided always, and be it further enacted, that in case the offender so indicated and convicted for the said third offence shall pay into the hands of the registrar or clerk of the court or sessions where he

shall be convicted (before the said court or sessions shall be ended) the sum of one hundred pounds, that then the said offender shall be discharged from imprisonment and transportation, and the judgment for the same.

- VIII. And be it further enacted that the like imprisonment, indictment, arraignment, and proceedings shall be against every such offender as often as he shall again offend after such third offence, nevertheless is dischargeable and discharged by the payment of the like sum as was paid by such offender for his or her said offence next before committed, together with the additional and increased sum of one hundred pounds more upon every new offence committed, the said respective sums to be paid as aforesaid and to be disposed of as follows—the one moiety for the repair of the parish church or churches, chapel, or chapels of such parish within which such conventicler, assembly, or meeting shall be held, and the other moiety to the repair of the highways of the said parish or parishes (if need require) or otherwise for the amendment of such highways as the justices of peace at their respective quarter sessions shall direct and appoint.

And if any constable, head-borough, or tithingman shall neglect to execute any the said warrants made unto them for sequestering, distraining, and selling any of the goods and chattels of any offender against this Act for the levying such sums of money as shall be imposed for the first or second offence, he shall forfeit for every such neglect the sum of five pounds of lawful money of England, the one moiety thereof to the King and the other moiety to him that will sue for the same in any of the King's courts of record, as is aforesaid.

And if any person be at any time sued for putting in execution any of the powers contained in this Act, such person shall and may plead the general issue and give the special matter in evidence. And if the plaintiff be non-suit or a verdict pass for the defendant thereupon, or if the plaintiff discontinue his action, or if, upon demurrer, judgment be given for the defendant, every such defendant shall have his or their treble costs.

- IX. And be it further enacted that if any person against whom judgment of transportation shall be given in manner aforesaid shall make escape before transportation, or being transported as aforesaid shall return unto this Realm of England, Dominion of Wales, and Town of Berwick-upon-Tweed without the special license of His Majesty, his heirs, and successors in that behalf first had and obtained, that the party so escaping or returning shall be adjudged a felon, and shall suffer death as in case of felony, without benefit of clergy, and shall forfeit and lose to His Majesty all his or her goods and chattels forever; and shall further lose to His Majesty all his or her lands, tenements, and hereditaments for and during the life only of such offender, and no longer. And that the wife of any such offender by force of this Act shall not lose her dower, nor shall any corruption of blood grow or be by reason of any such offence mentioned in this Act, but that the heir of every such offender by force of this Act shall and may, after the death of such offender, have and enjoy the lands, tenements, and hereditaments of such offenders as if this act had not been made.
- X. And for better preventing of the mischiefs which may grow by such seditious and tumultuous meetings under pretence of religious worship, be it further enacted by the authority aforesaid that the lieutenants or deputy-lieutenants, or any commissioned officers of the militia, or any other of His Majesty's forces with such troops or companies of horse or foot, and also the sheriffs and justices of peace and other magistrates and ministers of justice, or any of them jointly or severally within any the counties or places within this Kingdom of England, Dominion of Wales, or Town of Berwick-upon-Tweed, with such other assistance as they shall think meet or can get in readiness with the soonest, on certificate made to them respectively under the hand and seal of any one justice of the peace or chief magistrate, as aforesaid, of his particular information or knowledge of such unlawful meetings or conventicles held or to be held in their respective counties or places, and that he (with such assistance

as he can get together) is not able to suppress or dissolve the same, shall and may, and are hereby required and enjoined to, repair unto the place where they are so held, or to be held, and by the best means they can to dissolve and dissipate, or prevent all such unlawful meetings, and take into their custody such of those persons so unlawfully assembled as they shall judge to be the leaders and seducers of the rest, and such others as they shall think fit to be proceeded against according to law for such their offences.

- XI. And be it enacted by the authority aforesaid that every person who shall wittingly and willingly suffer any such conventicler, unlawful assembly, or meeting aforesaid to be held in his or her house, outhouse, barn or room, yard or backside, woods or grounds shall incur the same penalties and forfeitures as any other offender against this Act ought to incur, and be proceeded against in all points in such manner as any other offender against this act ought to be proceeded against.
- XII. Provided also, and be it enacted by the authority aforesaid, that if any keeper of any gaol or house of correction shall suffer any person committed to his custody for any offence against this Act to go at large, contrary to the warrant of his commitment according to this act, or shall permit any person who is at large to join with any person committed to his custody by virtue of this Act in the exercise of religion differing from the rites of the Church of England, then every such keeper of a gaol or house of correction shall for every such offence forfeit the sum of ten pounds, to be levied, raised, and disposed by such persons and in such manner as the penalties for the first and second offences against this Act are to be levied, raised, and disposed.
- XIII. Provided always that no person shall be punished for any offence against this Act unless such offender be prosecuted for the same within three months after the offence committed. And that no person who shall be punished for any offence by virtue of this Act shall be punished for the same offence by virtue of any other act or law whatsoever.
- XIV. Provided also, and be it enacted, that judgment of transportation shall not be given against any feme covert, unless her husband be at the same time under the like judgment, and not discharged by the payment of money as aforesaid, but that instead thereof she shall by the respective court be committed to the gaol or house of correction, there to remain without bail or main-prize, for any time not exceeding twelve months, unless her husband shall pay down such sum, not exceeding forty pounds, to redeem her from imprisonment as shall be imposed by the said court, the said sum to be disposed by such persons and in such manner as the penalties for the first and second offence against this Act are to be disposed.
- XV. Provided also, and be it enacted by the authority aforesaid, that the justices of the peace and chief magistrate respectively empowered, as aforesaid, to put this Act in execution, shall and may, with what aid, force, and assistance they shall think fit, for the better execution of this Act, after refusal or denial enter into any house or other place where they shall be informed any such conventicle, as aforesaid, is or shall be held.
- XVI. Provided that no dwelling house of any Peer of this realm, whilst he or his wife shall be there resident, shall 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, or two justices of the peace, whereof one to be of the quorum of the same county or riding. Nor shall any other dwelling house of any Peer or other person whatsoever be entered into with force by virtue of this Act but in the presence of one justice of the peace or chief magistrate respectively, except within the City of London, where it shall be lawful for any such other dwelling house to be entered into as aforesaid in the presence of one justice of the peace, alderman, deputy-alderman, or any one commissioner for the lieutenancy for the city of London.

- XVII. Provided also, and be it enacted by the authority aforesaid, that no person shall by virtue of this Act be committed to the house of correction that shall satisfy the said justices of the peace or chief magistrate respectively that he or she (and in case of a feme covert, that her husband) has an estate of freehold or copyhold to the value of five pounds per annum, or personal estate to the value of fifty pounds; anything in this Act to the contrary notwithstanding.
- XVIII. And in regard to a certain sect called Quakers, and other sectaries, are found not only to offend in the matters provided against by this Act, but also obstruct the proceeding of justice by their obstinate refusal to take oaths lawfully tendered unto them in the ordinary course of law. Therefore be it further enacted by the authority aforesaid that if any person or persons being duly and legally served with process or other summons to appear in any court of record, except court leets, as a witness or returned to serve of any jury or ordered to be examined upon interrogatories or being present in court shall refuse to take any judicial oath legally tendered to him by the judge or judges of the same court, having no legal plea to justify or excuse the refusal of the same oath. Or if any person or persons being duly served with process to answer any bill exhibited against him or them in any court of equity or any suit in any court ecclesiastical shall refuse to answer such bill or suit upon his or their corporal oath in cases where the law requires such answer to be put in upon oath, or being summoned to be a witness in any such court or ordered to be examined upon interrogatories shall for any cause or reason not allowed by law refuse to take such oath as in such cases is required by law. That then, and in such case, the several and respective courts wherein such refusal shall be made shall be, and are hereby, enabled to record, enter, or register such refusal, which record or entry shall be, and is hereby, made a conviction of such offence, and all and every person and persons so as aforesaid offending shall for every such offence incur the judgment and punishment of transportation in such manner as is appointed by this Act for other offences.
- XIX. Provided always that if any the person or persons aforesaid shall come into such court and take his or their oath in these words: "I so swear that I do not hold the taking of an oath to be unlawful nor refuse to take an oath on that account."
- XX. Which oath the respective court or courts aforesaid are hereby authorized and required forthwith to tender, administer, and register before the entry of the conviction aforesaid, or shall take such oath before some justice of the peace, who is hereby authorized and required to administer the same, to be returned into such court. Such oath so made shall acquit him or them from such punishment, anything herein to the contrary notwithstanding.
- XXI. Provided always that every person convicted as aforesaid in any courts aforesaid (other than His Majesty's Court of King's Bench, or before the justices of assize, or general gaol delivery) shall by warrant containing a certificate of such conviction under the hand and seal of the respective judge or judges before whom such conviction shall be had, be sent to some one of His Majesty's gaols in the same county where such conviction was had, there to remain without bail or main-prize until the next assizes, or general gaol delivery. Where, if such person so convicted shall refuse to take the oath aforesaid, being tendered unto him by the justice or justices of assize or gaol delivery, then such justice or justices shall cause judgment of transportation to be executed in such manner as judgment of transportation by this Act is to be executed. But in case person shall take the said oath, then he shall thereupon be discharged.
- XXII. Provided always, and be it enacted by the authority aforesaid, that if any Peer of this realm shall offend against this Act, he shall pay ten pounds for the first offence and twenty pounds for the second offence, to be levied upon his goods and chattels by warrant from any two justices of the peace or chief magistrate of the place or division where such Peer shall dwell. And that every Peer for the third and every further offence against the tenor of this Act shall be tried by his peers, and not otherwise.

XXIII. Provided also, and be it further enacted by the authority aforesaid, that this Act shall continue in force for three years after the end of this present session of Parliament, and from thenceforward to the end of the next session of Parliament after the said three years, and no longer.

George Gould, ed. *Documents Relating to the Settlement of the Church of England by the Act of Uniformity of 1662* (London: W. Kent and Company, 1862):477–488.