

# THE SECOND CONVENTICLE ACT

11 April 1670

An Act to Prevent and Suppress Seditious Conventicles.

- I. For providing further and more speedy remedies against the growing and dangerous practices of seditious sectaries and other disloyal persons, who, under pretence of tender consciences, have or may at their meetings contrive insurrections (as late experience has shown),

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 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 tenth day of May next shall be present at any assembly, conventicler, or meeting under color 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, or dominion of Wales, or town of Berwick-upon-Tweed, at which conventicler, meeting, or assembly there shall be five persons or more assembled together, over and besides those of the same household, if it be in a house where there is a family inhabiting; or if it be in a house, field, or place where there is no family inhabiting;

Then where any five persons, or more, are so assembled, as aforesaid, it shall and may be lawful to and for any one or more justices of the peace of the county, limit, division, corporation, or liberty wherein the offence aforesaid shall be committed, or for the chief magistrate of the place where the offence aforesaid shall be committed;

And he and they are hereby required and enjoined, upon proof to him or them respectively made of such offence, either by confession of the party or oath of two witnesses (which oath the said justice and justices of the peace, and chief magistrate respectively, are hereby empowered and required to administer), or by notorious evidence and circumstance of the fact, to make a record of every such offence under his or 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 justice, justices, and chief magistrate respectively shall impose on every such offender so convicted, as aforesaid, a fine of five shillings for such first offence; which record and conviction shall be certified by the said justice, justices, or chief magistrate, at the next quarter sessions of the peace, for the county or place where the offence was committed.

- II. 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 or offences contrary to this act, and be thereof in manner aforesaid convicted, then such offender so convicted of such like offence or offences shall for every such offence incur the penalty of ten shillings.

Which fine and fines, for the first and every other offence shall be levied by distress and sale of the offender's goods and chattels; or in case of the poverty of such offender, upon the goods and chattels of any other person or persons who shall be then convicted in manner aforesaid of the like offence at the same conventicler, at the discretion of the said justice, justices, or chief magistrate respectively, so as the sum to be levied on any one person in case of the poverty of other offenders, amount not in the whole to above the sum of £10 upon occasion of any one meeting, as aforesaid.

And every constable, head-borough, tithing-man, church-wardens, and overseers of the poor respectively are hereby authorized and required to levy the same accordingly, having first received a warrant under the hands and seals of the said justice, justices, or chief magistrate respectively so to do, the said monies so to be levied to be forthwith delivered to the same justice, justices, or chief magistrate,

and by him or them to be distributed, the one third part thereof to the use of the King's Majesty, his heirs, and successors, to be paid to the high sheriff of the county for the time being, in manner following, that is to say, the justice or justices of peace shall pay the same into the court of the respective quarter sessions, which said court shall deliver the same to the sheriff, and make a memorial on record of the payment and delivery thereof, which said memorial shall be a sufficient and final discharge to the said justice and justices, and a charge to the sheriff, which said discharge and charge shall be certified into the exchequer together, and not one without the other, and no justice shall or may be questioned or accountable for the same in the exchequer or elsewhere, than in quarter sessions.

Another third part thereof to and for the use of the poor of the parish where such offence shall be committed;

And the other third part thereof to the informer and informers, and to such person and persons as the said justice, justices, or chief magistrate respectively shall appoint, having regard to their diligence and industry in the discovery dispersing, and punishing of the said conventicles.

- III. And be it further enacted by the authority aforesaid that every person who shall take upon him to preach or teach in any such meeting, assembly, or conventicler, and shall thereof be convicted, as aforesaid, shall forfeit for every such first offence the sum of £20, to be levied in manner aforesaid upon his goods and chattels;

And if the said preacher or teacher so convicted be a stranger, and his name and habitation not known, or is fled and cannot be found, or in the judgment of the justice, justices, or chief magistrate before whom he shall be convicted shall be thought unable to pay the same, the said justice, justices, or chief magistrate respectively are hereby empowered and required to levy the same by warrant, as aforesaid, upon the goods and chattels of any such persons who shall be present at the same conventicler, anything in this or any other act, law, or statute to the contrary notwithstanding;

And the money so levied to be disposed of in manner aforesaid. And if such offender so convicted, as aforesaid, shall at any time again commit the like offence or offences contrary to this act, and be thereof convicted in manner aforesaid, then such offender so convicted of such like offence or offences shall for every such offence incur the penalty of £40, to be levied and disposed as aforesaid.

- IV. And be it further enacted by the authority aforesaid that every person who shall wittingly and willingly suffer any such conventicle, meeting, or unlawful assembly aforesaid to be held in his or her house, outhouse, barn, yard, or backside, and be convicted thereof in manner aforesaid, shall forfeit the sum of £20, to be levied in manner aforesaid, upon his or her goods and chattels; or in case of his or her poverty or inability, as aforesaid, upon the goods and chattels of such persons who shall be convicted in manner aforesaid, of being present at the same conventicler; and the money so levied to be disposed of in manner aforesaid.

- V. Provided always, and be it enacted by the authority aforesaid, that no person shall by any clause of this act be liable to pay above £10 for any one meeting in regard of the poverty of any other person or persons.

- VI. Provided also, and be it further enacted, that in all cases of this act where the penalty or sum charged upon any offender exceeds the sum of ten shillings, and such offender shall find himself aggrieved, it shall and may be lawful for him within one week after the said penalty or money charged shall be paid or levied, to appeal in writing from the person or persons convicting to the judgment of the justices of the peace in their next quarter sessions, to whom the justice or justices of the peace, chief magistrate, or alderman that first convicted such offender shall return the money levied upon the appellant, and shall certify under his and their hands and seals the evidence upon which the conviction passed, with the

whole record thereof and the said appeal; whereupon such offender may plead and make defense, and have his trial by a jury thereupon.

And in case such appellant shall not prosecute with effect, or if upon such trial he shall not be acquitted, or judgment pass not for him upon his said appeal, the said justices at the sessions shall give treble costs against such offender for his unjust appeal. And no other court whatsoever shall intermeddle with any cause or causes of appeal upon this act, but they shall be finally determined in the quarter sessions only.

- VII. Provided always, and be it further enacted, that upon the delivery of such appeal, as aforesaid, the person or persons appellant shall enter before the person or persons convicting into a recognizance to prosecute the said appeal with effect. Which said recognizance the person or persons convicting is hereby empowered to take, and required to certify the same to the next quarter sessions. And in case no such recognizance be entered into, the said appeal to be null and void.
- VIII. Provided always that every such appeal shall be left with the person or persons so convicting, as aforesaid, at the time of the making thereof.
- IX. And be it further enacted by the authority aforesaid that the justice, justices of the peace, and chief magistrate respectively, or the respective constables, head-boroughs, and tithing-men, by warrant from the said justice, justices, or chief magistrate respectively shall and may, with what aid, force, and assistance they shall think fit, for the better execution of this act, after refusal or denial to enter, break open and enter into any house or other place where they shall be informed any such conventicler, as aforesaid, is or shall be held, as well within liberties as without, and take into their custody the persons there unlawfully assembled, to the intent they may be proceeded against according to this act.

And that the lieutenants or deputy-lieutenants, or any commissioned officer of the militia, or other of His Majesty's forces, with such troops or companies of horse and foot; and also the sheriffs 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, of his particular information or knowledge of such unlawful meeting or conventicler 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 and 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, dissipate, or prevent all such unlawful meetings, and take into their custody such and so many of the said persons so unlawfully assembled as they shall think fit, to the intent they may be proceeded against according to this act.

- X. Provided always, that no dwelling house of any peer of this realm, where he or his wife shall then be 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 deputy-lieutenant, or two justices of the peace, whereof one to be of the quorum of the same county or riding.
- XI. And be it further enacted by the authority aforesaid that if any constable, head-borough, tithing-man, church-warden, or overseer of the poor who shall know, or be credibly informed of any such meetings or conventicles held within his precincts, parishes, or limits, and shall not give information thereof to some justice of the peace, or the chief magistrate, and endeavor the conviction of the parties according to his duty; but such constable, head-borough, tithing-man, church-warden, overseers of the poor, or any person lawfully called in aid of the constable, head-borough, or tithing-man shall willfully and wittingly omit the performance of his duty in the execution of this act, and be thereof convicted in

manner aforesaid, he shall forfeit for every such offense the sum of £5, to be levied upon his goods and chattels, and disposed in manner aforesaid.

And that if any justice of the peace or chief magistrate shall willfully and wittingly omit the performance of his duty in the execution of this act, he shall forfeit the sum of £100; the one moiety to the use of the informer, to be recovered by action, suit, bill, or plaint in any of His Majesty's courts at Westminster, wherein no essoin, protection, or wager of law shall lie.

- XII. And be it further enacted by the authority aforesaid that if any person be at any time sued for putting in execution any of the powers contained in this act, otherwise than upon appeal allowed by 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 passed for the defendant, or if the plaintiff discontinue his action, or if upon demurrer, judgment be given for the defendant, every such defendant shall have his full treble costs.
- XIII. And be it further enacted by the authority aforesaid that this act, and all clauses therein contained, shall be construed most largely and beneficially for the suppressing of conventicles and for the justification and encouragement of all persons to be employed in the execution thereof. And that no record, warrant, or mittimus to be made by virtue of this act, or any proceedings thereupon shall be reversed, avoided, or any way impeached by reason of any default in form. And in case any person offending against this act shall be an inhabitant in any other county or corporation, or fly into any other county or corporation after the offence committed, the justice of peace or chief magistrate before whom he shall be convicted, as aforesaid, shall certify the same under his hand and seal to any justice of peace, or chief magistrate of such other county or corporation wherein the said person or persons are inhabitants, or are fled into. Which said justice or chief magistrate respectively is hereby authorized and required to levy the penalty or penalties in this act mentioned upon the goods and chattels of such person or persons, as fully as the said other justice of peace might have done, in case he or they had been inhabitants in the place where the offence was committed.
- XIV. Provided also 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.
- XV. Provided, and be it further enacted by the authority aforesaid, that every alderman of London for the time being, within the city of London and the liberties thereof, shall have (and they and every of them are hereby empowered and required to execute) the same power and authority within London and the liberties thereof, for the examining, conviction and punishing of all offences within this act committed within London and the liberties thereof, which any justice of peace has by this act in any county of England, and shall be subject to the same penalties and punishments for not doing that which by this act is directed to be done by any justice of peace in any county of England.
- XVI. Provided, and be it enacted by the authority aforesaid, that if the person offending and convicted, as aforesaid be a female covert co-habiting with her husband, the penalties of five shillings and ten shillings so as aforesaid incurred shall be levied by warrant, as aforesaid, upon the goods and chattels of the husband of such female covert.
- XVII. Provided also that no peer of this realm shall be attached or imprisoned by virtue or force of this Act; anything, matter, or clause therein to the contrary notwithstanding.
- XVIII. Provided also that neither this Act, nor anything therein contained, shall extend to invalidate or void His Majesty's supremacy in ecclesiastical affairs. But that His Majesty, and his heirs and successors, may from time to time, and at all times hereafter, exercise and enjoy all powers and authority in ecclesiastical

affairs as fully and as amply as himself or any of his predecessors have or might have done the same; anything in this act notwithstanding.

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):491–499.