

# THE TEST ACT

29 March 1673

- I. For preventing dangers which may happen from popish recusants, and quieting the minds of His Majesty's good subjects. Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by authority of the same, that all and every person or persons, as well peers as commoners, that shall bear any office or offices, civil or military, or shall receive any pay, salary, fee, or wages by reason of any patent or grant from His Majesty, or shall have command or place of trust from or under His Majesty, or from any of His Majesty's predecessors, or by his or their authority, or by authority derived from him or them, within the realm of England, dominion of Wales, or town of Bewick-upon-Tweed, or in His Majesty's navy, or in the several islands of Jersey and Guernsey, or shall be of the household, or in the service or employment of His Majesty, or of His Royal Highness the Duke of York, who shall inhabit, reside, or be within the city of London or Westminster, or within thirty miles distant from the same, on the first day of Easter term that shall be in the year of our Lord one thousand six hundred and seventy-three, or at any time during the said term, all and every the said person and persons shall personally appear before the end of the said term, or of Trinity term next following in His Majesty's High Court of Chancery, or in His Majesty's Court of King's Bench, and there in public and open court, between the hours of nine of the clock and twelve in the forenoon, take the several oaths of supremacy and allegiance, which Oath of Allegiance is contained in the statute made in the third year of King James, by law established.

And during the time of the taking thereof by the said person and persons, all pleas and proceedings in the said respective courts shall cease; and that all and every of the said respective persons and officers not having taken the said oaths in the said respective courts foresaid shall, on or before the first day of August, one thousand six hundred and seventy-three, at the quarter sessions for that county or place where he or they shall be, inhabit, or reside on the twentieth day of May take the said oaths in open court, between the said hours of nine and twelve of the clock in the forenoon; and the said respective officers aforesaid shall also receive the sacrament of the Lord's supper, according to the usage of the Church of England, at or before the first day of August in the year of our Lord one thousand six hundred and seventy-three, in some parish church, upon some Lord's day, commonly called Sunday, immediately after divine service and sermon.

- II. And be it further enacted by the authority aforesaid that all and every person or persons that shall be admitted, entered, placed, or taken into any office or offices, civil or military, or shall receive any pay, salary, fee, or wages by reason of any patent or grant of His Majesty, or shall have command or place of trust from or under His Majesty, his heirs, or successors, or by his or their authority, or by authority derived from him or them, within this realm of England, dominion of Wales, or town of Berwick-upon-Tweed, or in His Majesty's navy, or in the several islands of Jersey and Guernsey, or that shall be admitted into any service or employment in His Majesty's or Royal Highness' household or family, after the first day of Easter term aforesaid and shall inhabit, be, or reside when he or they is or are so admitted or placed, within the cities of London or Westminster, or within thirty miles of the same, shall take the said oaths aforesaid in the said respective court or courts aforesaid in the next term after such his or their admittance or admittances into the office or offices, employment or employments aforesaid, between the hours aforesaid, and no other, and the proceedings to cease, as aforesaid;

And that all and every such person or persons to be admitted after the said first day of Easter term, as aforesaid, not having taken the said oaths in the said courts aforesaid shall, at the quarter sessions for that county or place where he or they shall reside, next after such his admittance or admittances into

any of the said respective offices or employments aforesaid, take the said several and respective oaths, as aforesaid.

And all and every such person and persons so to be admitted as aforesaid shall also receive the sacrament of the Lord's supper, according to the usage of the Church of England, within three months after his or their admittance in or receiving their said authority and employment, in some public church, upon some Lord's day commonly called Sunday, immediately after divine service and sermon.

- III. And every of the said persons in the respective court where he takes the said oaths shall first deliver a certificate of such his receiving the said sacrament, as aforesaid, under the hands of the respective minister and churchwarden, and shall then make proof of the truth thereof by two credible witnesses, at the least, upon oath; all which shall be enquired of, and put upon record in the respective courts.
- IV. And be it further enacted by the authority aforesaid that all and every the person or persons aforesaid that do or shall neglect or refuse to take the said oaths and sacrament in the said courts and places, and at the respective times aforesaid, shall be *ipso facto* adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy, or enjoy the said office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such office and place, employment and employments, shall be void, and is hereby adjudged void.
- V. And be it further enacted that all and every such person or persons that shall neglect or refuse to take the said oaths or the sacrament, as aforesaid, within the times and in the places aforesaid and in the manner aforesaid, and yet after such neglect or refusal shall execute any of the said offices or employments, after the said times expired, wherein he or they ought to have taken the same, and being thereupon lawfully convicted, in or upon any information, presentment, or indictment in any of the King's courts at Westminster, or at the assizes, every such person or persons shall be disabled from thenceforth to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suite in any Court of Equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy, or deed of gift, or to bear any office within this realm of England, dominion of Wales, or town of Berwick-upon-Tweed; and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any action of debt, suit, bill, plaint, or information in any of His Majesty's courts at Westminster, wherein no essoin, protection, or wager of law shall lie.
- VI. And be it further enacted by the authority aforesaid that the names of all and singular such persons and officers aforesaid that do or shall take the oaths aforesaid, shall be in the respective Courts of Chancery and King's Bench, and the quarter sessions, enrolled, with the day and time of their taking the same, in rolls made and kept only for that intent and purpose, and for no other; the which rolls, as for the Court of Chancery, shall be publicly hung up in the office of the Petty-Bag,<sup>1</sup> and the roll for the King's Bench in the Crown-Office of the said court, and in some public place in every quarter sessions and there remain during the whole term, every term, and during the whole time of the said sessions, in every quarter sessions, for everyone to resort to, and look upon, without fee or reward;  
  
And likewise none of the person or persons aforesaid shall give or pay, as any fee or reward, to any officer or officers belonging to any of the courts, as aforesaid, above the sum of twelve pence for his or their entry of his or their taking of the said oaths aforesaid.
- VII. And further, that it shall and may be lawful to and for the respective courts aforesaid to give and administer the said oaths aforesaid to the person or persons aforesaid, in manner as aforesaid; and upon

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<sup>1</sup> Petty Bag — Department of the Court of Chancery that dealt with suits involving solicitors and officers of the Court of Chancery.

the due tender of any such person or persons, to take the said oaths, the said courts are hereby required and enjoined to administer the same.

- VIII. And be it further enacted that if any person or persons not bred up by his or their parent or parents from their infancy in the popish religion and professing themselves to be popish recusants shall breed up, instruct, or educate his or their child or children, or suffer them to be instructed or educated in the popish religion, every such person being thereof convicted shall be from thenceforth disabled of bearing any office, or place of trust or profit, in church or state;

And all such children as shall be so brought up, instructed, or educated are and shall be hereby disabled of bearing any such office or place of trust or profit until he and they be perfectly reconciled and converted to the Church of England, and shall take the Oaths of Supremacy and Allegiance aforesaid before the justices of the peace, in the open quarter sessions of the county or place where they shall inhabit, and thereupon receive the sacrament of the Lord's supper, after the usage of the Church of England, and obtain a certificate thereof, under the hands of two or more of the said justices of the peace.

- IX. And be it further enacted by the authority aforesaid that at the same time when the persons concerned in this act shall take the aforesaid Oaths of Supremacy and Allegiance, they shall likewise make and subscribe this declaration following, under the same penalties and forfeitures as by this act is appointed:

I, A.B., do declare that I do believe that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever.

- X. Of which subscription there shall be the like register kept as of the taking the oaths aforesaid.

- XI. Provided always that neither this act, nor anything therein contained, shall extend, be judged or interpreted anyways to hurt or prejudice the peerage of any peer of this realm, or to take away any right, power, privilege, or profit which any person (being a peer of this realm) has or ought to enjoy by reason of his peerage, either in time of Parliament or otherwise; or to take away creation-money or bills of impost nor to take away or make void any pension or salary granted by His Majesty to any person for valuable and sufficient consideration for life, lives, or years, other than such as relate to any office, or to any place of trust under His Majesty, and other than pensions of bounty or voluntary pensions;

Nor to take away or make void any estate of inheritance granted by His Majesty, or any his predecessors, to any person or persons of or in any lands, rents, tithes, or hereditaments, not being offices;

Nor to take away or make void any pension or salary already granted by His Majesty to any person who was instrumental in the happy preservation of His Sacred Majesty after the battle at Worcester, in the year one thousand six hundred and fifty-one, until His Majesty's arrival beyond the seas;

Nor to take away or make void the grant of any office or offices of inheritance, or any fee, salary, or reward for executing such office or offices, or thereto any way belonging, granted by His Majesty, or any his predecessors, to or enjoyed, or which hereafter shall be enjoyed by any person or persons who shall refuse or neglect to take the said oaths, or either of them, or to receive the sacrament, or to subscribe the declaration mentioned in this act, in manner therein expressed.

Nevertheless so as such person or persons having or enjoying any such office or offices of inheritance do or shall substitute and appoint his or their sufficient deputy or deputies (which such officer or officers respectively are hereby empowered, from time to time, to make or change, any former law or usage to the contrary notwithstanding) to exercise the said office or offices, until such time as the person or persons having such office or offices shall voluntarily, in the Court of Chancery, before the Lord Chancellor, or Lord Keeper for the time being, or in the Court of King's Bench, take the said oaths, and

receive the sacrament according to law and subscribe the said declaration, and so as all and every the deputy or deputies so as aforesaid to be appointed, take the said oaths, receive the sacrament, and subscribe the said declaration from time to time, as they shall happen to be so appointed, in manner as by this act such officers whose deputies they be, are appointed to do, and so as such deputies be, from time to time, approved of by the King's Majesty, under his privy signet.

But that all and every the peers of this realm shall have, hold, and enjoy what is provided for, as aforesaid, and all and every other person or persons before-mentioned, denoted or intended within this proviso, shall have, hold, or enjoy what is provided for, as aforesaid, notwithstanding any incapacity or disability mentioned in this act.

- XII. Provided also that the said peers and every of them may take the said oaths, and make the said subscription, and deliver the said certificates before the peers sitting in Parliament, if the Parliament be sitting within the time limited for doing thereof, and in the intervals of Parliament, in the High Court of Chancery, in which respective courts all the said proceedings are to be recorded in manner aforesaid.
- XIII. Provided always that no married woman, or person under the age of eighteen years, or being beyond or upon the seas, or found, by the lawful oaths of twelve men, to be *non compos metis*, and so being and remaining at the end of Trinity term in the year of our Lord one thousand six hundred and seventy-three having any office, shall by virtue of this act, lose or forfeit any such his or her office (other than such married woman during the life of her husband only) for any neglect or refusal of taking the oaths, and doing the other things required by this act to be done by persons having offices, so as such respective persons, within four months after the death of her husband, coming to the age of eighteen years, returning into this Kingdom, and becoming of sound mind, shall respectively take the said oaths, and perform all other things in manner as by this act is appointed for persons to do, who shall happen to have any office or offices to them given or fallen after the end of the said Trinity term.
- XIV. Provided also that any person who by his or her neglect or refusal, according to this act, shall lose or forfeit any office, may be capable, by a new grant, of the said office, or of any other, and to have and hold the same again, such person taking the said oaths, and doing all other things required by this act, so as such office be not granted to, and actually enjoyed by some other person at the time of the re-granting thereof.
- XV. Provided also that nothing in this act contained shall extend to make any forfeiture, disability, or incapacity in, by, or upon any non-commissioned officer or officers in His Majesty's navy, if such officer or officers shall only subscribe the declaration therein required, in manner as the same is directed.
- XVI. Provided also that nothing in this act contained shall extend to prejudice George, Earl of Bristol, or Anne, Countess of Bristol,<sup>2</sup> his wife, in the pension or pensions granted to them by patent under the great seal of England, bearing date the fifteenth day of July, in the year of our Lord one thousand six hundred sixty-and-nine, being in lieu of a just debt due to the said Earl from His Majesty, particularly expressed in the said patent.
- XVII. Provided also that this act, or anything therein contained, shall not extend to the office of any high constable, petty constable, tithingman, head-borough, overseer of the poor, church-wardens, surveyor of the highways, or any like inferior civil office, or to any office of forester, or keeper of any park, chase, warren, or game, or of bailiff of any manor of lands, or to any like private offices, or to any person or persons having only any the before-mentioned, or any the like offices.

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<sup>2</sup> George Digby (1612–1677), Earl of Bristol, who spoke in the House of Lords in favor of this Test Act, describing himself as a “Catholic of the Church of Rome, not a Catholic of the Court of Rome” and urged his fellow Catholic peers to judge the Act “not as Roman Catholics, but as faithful members of a Protestant Parliament,” had loaned Charles more than £1500.

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):499–507.