

CHAPTER II.

AN ACT againste Jesuites Semynarie Priestes and such other like disobedient Persons.

Attempts of
Jesuits, &c. to
stir up Rebellion
against the Queen.

WHEREAS divers Persons called or professed Jesuites Semynarie Priestes and other Priestes, which have bene and from tyme to tyme are made in the Partes beyonde the Seas, by or according to the Order and Rietes of the Romishe Church, have of late yeres comen and bene sent, and dayly doe come and are sente, into this Realme of Englande and other the Queenes Majesties Dominions, of Purpose, (as hath appeared aswell by sundrie of their owne Examinations and Confessions as by divers other manifest meanes and proofes,) not onely to withdrawe her Highnesse Subjectes from their due obedience to her Majestie, but also to stire up and move Sedition Rebellion and open Hostilitie within (¹) her Highnesse Realmes and Dominions, to the greate [daungering²] of the safetie of her most Royall Person, and to the utter Ruine Desolation and Overthrow of the whole Realme, if the same bee not the sooner by some good meanes foreseene and prevented: For Reformation whereof be it ordeyned established and enacted by the Queenes most excellent Majestie, and the Lordes Spirituall and Temporall and the Commons in this presente Parliament assembled and by the authoritie of the same Parliamente, That all and everie Jesuites Semynarie Priestes and other Priestes whatsoever, made or ordeyned out of the Realme of Englande or other her Highnesse Dominions or within any of her Majesties Realmes or Dominions by any Authoritie Power or Jurisdiction derived chalenged or pretended [forme³] the Sea of Rome, sence the Feast of the Nativitie of Saint John Baptist, in the first yeere of her Highnesse Reigne, shall within fortie dayes next after the ende of this presente Session of Parliament depart out of this Realme of England, and out of all other her Highnesse Realmes and Dominions, if the Winde Weather and Passage shall serve for the same; or els soe soone after the ende of the saide fourtie dayes, as the Winde Weather and Passage shall so serve.

All Romish
ordained Jesuits,
&c. shall leave the
Realm within
Forty Days.

II.
All such Jesuits,
&c. coming into
or remaining in
the Kingdom,
declared Traitors;

AND be it further enacted by the authoritie aforesaide, That it shall not be lawfull to or for any Jesuite Semynarie Priest or other such Priest Deacon or [any⁴] Religious or Ecclesiasticall Person whatsoever, being borne within this Realme or any other her Highnesse Dominions, and heretofore sence the saide Feast of the Nativitie of Saint John Baptist in the first yeere of her Majesties Reigne made ordeyned or professed, or hereafter to be made ordeyned or professed, by any Authoritie or Jurisdiction derived chalenged or pretended from the Sea of Rome, by or of what name title or degree soever the same shall bee called or knowne, to come into be or remayne in any parte of this Realme or any other her Highnesse Dominions after the ende of the same fortie dayes, other then in such speciall cases, and upon such speciall occasions onely, and for such time onely as is expressed in this Acte; and if hee doe, that then everie such Offence shall be taken and adjudged to be High Treason; And everie person soe offending shall for his Offence be adjudged a Traytor, and shall suffer lose & forfaitie as in case of High Treason: And everie person which after the ende of the same fortie dayes, and after such tyme of departure as is before limited and appointed, shall wittingly and willingly receive relieve comfort aide or mainteyne any such Jesuite Semynarie Priest or other Priest Deacon or Religious or Ecclesiasticall Person as is aforesaide, being at libertie or out of holde, knowing him to be a Jesuite Semynarie Priest or other such Priest Deacon or Religious or Ecclesiasticall Person as is aforesaide, shall also for such Offence be adjudged a Fellone without Benefite of Clergie, and suffer Death, lose and forfaitie as in [cause⁵] of one attainted of Felonie.

And their Receivers
shall without
Clergy.

III.
Subjects educated
in any foreign
College of Jesuits,
&c. not returning
on Proclamation,
and taking Oath of
Supremacy under
St. 1 Eliz. c. 1.
shall be deemed
Traitors.

AND be it further enacted by the authoritie aforesaide, If any of her Majesties Subjectes, (not being a Jesuite Semynarie Priest or other such Priest Deacon or Religious or Ecclesiasticall person as is before mencioned,) nowe being or which hereafter shall be or brought up in any Colledge of Jesuites or Semynarie, alreadie erected or ordeyned or hereafter to be erected or ordeyned in the Partes beyonde the Seas or out of this Realme in any forraine partes, shall not, within Sixe Moneths next after Proclamation in that behalfe to bee made in the Cittie of London under the Greate Seale of England, returne into this Realme, and therupon, within two dayes next after such Returne, before the Bishop of the Dioces or Two Justices of Peace of the Countie where he shall arrive, submit himeselfe to her Majestie and her Lawes, and take the Othe set fourth by Act in the first yeere of her Reigne; that then every such person which shall otherwise returne come into or be in this Realme or any other her Highnesse Dominions, for such Offence of returning or being in this Realme or any other her Highnesse Dominions, without Submission as aforesaide, shall also be adjudged a Traytour, and suffer lose and forfeite as in case of High Treason.

IV.
Persons sending
Money, &c. to
foreign Jesuits, &c.
or any College of
them, shall incur
Premunire as under
St. 16 Ric. II. c. 5.

AND be yt further enacted by the authoritie aforesaide, If any Parson under her Majesties Subjection or Obedience shall at any time after the ende of the saide fourtie dayes, by way of Exchange or by any other shift way or meanes whatsoever, wittingly and willingly, eyther directly or indirectly, convey delever or sende or cause or procure to be conveyed or delivered to be sent, over the Seas or out of this Realme, or out of any other her Majesties Dominions or Territories into any forraine Partes, or shall otherwise wittingly and willingly yeeld give or contribute any Money or other Reliefe, to or for any Jesuite Semynarie Priest or such other Priest Deacon or Religious or Ecclesiasticall Person as is aforesaid, or to or for the Maintenance or Releife of any Colledge of Jesuites or Semynarie, alreadie erected or ordeined or hereafter to be erected or ordeyned in any the partes beyonde the Seas or out of this Realme in any

¹ the same O: Dup.
² O. omits.

³ indaungeryng O: Dup.
⁴ case O: Dup.

⁵ from O: Dup.

foreine partes, or of any person then being of or in any the same Colledges or Seminaries, and not returned into this Realme with submission as in this Act is expressed, and continuing in the same Realme; That thein everie such person so offending, for the same Offence shall incurre the daunger and penaltie of Premunire, mentioned in the Statute of Premunire, made in the xvj yeere of the Reigne of Kinge Richarde the Secounde.

AND be it further enacted by the authoritie aforesaide, That it shall not be lawfull for any Person of or under her Highnes Obedience, at any time after the saide fourtie dayes, duringe her Majesties Life (which Good long preserve,) to sende his or her Childe or other pson being under his or her Governement into any the partes beyonde the Seas out of her Highnes Obedience, without thee speciall Licence of her Majestie, or of foure of her Highnesse privie Counsell, under their Handes in that behalfe first had or obtained; (except Marchants, for such only as they or any of them shall sende over the Seas only for or aboute his her or their trade of Marchandize, or to serve as Mariners, and not otherwise); upon paine to forfait and lose for everie such their Offence the somme of One hundred Ponnides.

V.
None shall send
their Children
Abroad without
Licence;
Penalty, 200.

AND be it [further'] enacted by the authoritie aforesaide, That everie Offence, to bee committed or done against the tenor of this Acte, shall and may be enquired of heard and determined, aswell in the Court commonly called the Kings Bench, in the Countie where the same Court shall for the time be, as also in any other Countie within this Realme, or any other her Highnes Dominions where the Offence is or shall be committed, or where the Offendour shall be apprehended and taken.

VI.
Offences may be
determined in
Court of K. B. &c.

PROVIDED also, and be it enacted by the authoritie aforesaid, That it shall and may be lawfull for and to everie Owner and Master of any Shipe Barke or Boate, at any time within said fourtie days or other time before limited for their departure, to transport into any the partes beyond the Seas, any such Jesuite Seminarie Priest or other Priest aforesaid, so as the same Jesuites Seminarie Priest or other Priest aforesaide so to be transported, doe deliver unto the Maior or other chief Officer of the Towne Porte or Place where hee shall be taken in to be transported, his name and in what place hee receivede such order, and howe long he hath remained in this Realme or in any other her Highnesse Dominions, being under her Obedience.

VII.
During the 40 Days
Masters of Ships,
&c. may carry
Jesuits Abroad.

PROVIDED also, That this Acte or any Thing therein contened, shall not in any wise extende to any such Jesuite Seminarie Priest or other such Priest Deacon or Religeus or Ecclesiasticall person, as is before mentioned, as shall at any time within the said fourtie daies, or within three daies after that he shall heereafter comme into this Realme or any other her Highnesse Dominions, submit himselfe to some Archbyshop or Bishop of this Realme, or to some Justice of Peace within the Countie where he shall arive or laind, and doe thereupon truly and sincerely, before the same Archbyshop Bishop or such Justice of Peace, take the saide Othe set foorth in Anno primo, and by writing under his Hande confesse and acknowledg, and from thencefoorth continewe his due obedience unto her Highnesse Lawes Statutes and Ordinances made and provided, or to be made or provided in causes of Religion.

VIII.
Proviso for Jesuits,
Priests, &c.
submitting and
taking Oath of
Supremacy.

PROVIDED alwayes, yf it happen at any tyme hereafter, any Peere of this Realme to be indited of any Offence made Treason Felonie or Premunire by this Acte, that hee shall have his Trial by his Peeres as in other [causes*] of Treason Felonie or Premunire is accustomed.

IX.
Peers shall be
tried by Peers.

PROVIDED neverthesse, and it is declared by authoritie aforesaide, That if any such Jesuite Seminarie Priest or other Priests abovesaide, shall fortune to be so weake or infirme of Body, that he or they may not passe out of the Realme by the tyme herein limited, without imminent danger of life, and this understoode as well by the corporall Othe of the partie as by other good meanes, unto the Bishop of the Dioces and two Justices of Peace of the same Countie where such person or persons doe dwell or abide; that then and upon good and sufficient Band of the Person or Persons, with suirties of the somme of CC^{li} at the least, with condition that he or they shall be of good behaviour towards our Sovereigne Lady the Queene and all her liege people, then he or they so lycensed and doing as is aforesaide, shall and may remaine and be still within this Realme, without any losse or danger to fall on him or them by this Acte, for soe longe time as by the same Bishoppe and Justices shall be limited and appointed, so as the same time of Abode excede not the space of Sixe Monethes at the most; and that no Person or Persons shall susteine any losse or incurre any danger by this Acte, for the receiving or mainteinige of any such Person or Persons so lycensed as is aforesaid, for and duringe such time only as such Person or Persons shall be so lycensed to tarry within this Realme; Any Thing contened in this Acte to the contrary notwithstanding.

X.
Proviso for Jesuits,
&c. being too ill
to depart the
Realm.

AND be it also further enacted by auctoritie aforesaid, That everie Person or Persons beinge Subject of this Realme, which after the said fourtie dayes shall know & understand that any such Jesuite Seminarie Priest or other Priest abovesaid, shall abide stay tarrie or be within this Realme or other the Queenes Dominions and Countries, contrarie to the true meaning of this Acte, and shall not discover the same unto some Justice of Peace or other higher Officer within twelve dayes next after his said knowledge, but willingly conceale his knowledge therein; that everie such Offender shall make Fine and be imprisoned at the Queenes pleasure: And that if such Justice of Peace or other such Officer to whome such matter shall be so discovered, do not within xxvij dayes then next following, give information thereof to some of the Queenes privie Counsell, or to the President or Vice President of the Queenes Counsell, established in the North or in the Marches of Wales for the time beinge, that then he or they so offending shall for everie such Offence forfeite the some of Two hundred Markes.

XI.
Penalty on not
discovering Jesuits,
&c. remaining in
the Realm; Fine
and Imprisonment.

Penalty on Justice
of Peace, &c.
concealing Offence,
200 Marks.

* also O: Dup.

* cases O: Dup.

XII.
Certificates of
Information given.

AND be it likewise enacted by the authorities aforesaid, That such of the Privie Counsell President or Vice President, to whom such Information shall be made, shall thereupon deliver a Note in writing, subscribed with his owne Hand, to the partie by whom he shall receive such Information, testifying that such Information was made unto him.

XIII.
All Oaths, Bonds,
and Subscriptions,
shall be certified
into Chancery.

AND be it also enacted, That all such Othes Bondes and Submissions as shall be made by force of this Act as aforesaid, shall be certified into the Chaucerie by such parties before whom the same shall be made, within Three Moneths after such Submission, upon paine to forfeite and lose for everie such Offence an Hundred Poundes of lawfull English Money, the saide Forfeiture to be to the Queene her Heires and Successors: And that if any person (¹) submitting himselfe as aforesaid doe at any tyme within the space of Tenn Yeares after such Submission made, come within Tenn Miles of such place where her Majestie shall be, without especiall Licence from her Majestie in that Behalfe to be obtained in Writing under her Hande, that then and from thenceforth such person shall take noe Benefite of the saide Submission, but that the [saide¹] Submission shall be voyd as if the same had never bene.

Persons submitting
shall not come
within 10 Miles
of the Queen.

CHAPTER III.

AN ACT for the explanacion of the Statute made Anno xiiij of the Queenes Majesties Reigne intituled, An Act to make the Landes Tenementes Goodes and Chattels of Tellors Receivors, &c. liable to the paiement of their Debtes.

Doubts under
13 Eliz. c. 4. § 2.
as to Sale of Lands
of Accountants;

WHERE in the Parliament holden at Westminster the seconde daye of April in the xiiij yeere of the Reigne of our Sovereigne Lady Queene Elizabeth, there was amongst other Things an Acte made intituled An Acte to make the Landes Tenements Goods and Cattels of Tellors Receivers, &c. liable to pay their Debts; upon which Acte some Doubte and Question hath bene moved, whether the Queenes Highnesse her Heires and Successors might for the Satisfaction of her and their Debtes and Farmes, by her or their Letters Pattents under the Great Seale of Engeland, make Sale of any the Landes Tenementes or Hereditaments, whereof her Highnes her Heires or Successors have Power or Authority to make Sale by vertue of the same Acte, after the Death of such Accomptant or Debtor as is mentioned in the said Acte, or where the Accompt of such Accomptant or Debtor was not or is not made, or his or their Debt known in the Life time of the same Accomptant or Debtor: For declaracōn and explaining whereof Be it declared and enacted by the authority of this present Parliament, That the said Acte and everie parte thereof, touching the Power given by that recited Acte unto her Highnesse her Heires and Successors, to make Sale of any the Lands Tenementes or Hereditaments by the same Acte limited to be solde, is shall and ought to be expounded and extended aswell in case where the Sale is to be made after the Death of such Accomptant or Debtor as where it is to be made in his or their Life time: And also aswell in case where the Accompte is made or the Debt known within viij yeeres after the Death of such Accomptant or Debtor, as where the same Accompt is made or Debt known in the Life time of the same Accomptant or Debtor; Any Ambiguities or Question that hath risen or growen, or may arise or grow or be conceived upon the Letter of the same Acte, to the contrarie thereof in any wise notwithstanding.

Such Sales may be
made after Death
of Accountant,
or within Eight
Yeares after the
Debt is ascertained.

II.
Before any such
Sale, Scire facias
shall issue against
Heirs of the
Accountant, who
may show that
Executors have
Assets.

PROVIDED always and be it enacted by the authorities aforesaid, That after the Death of such Accomptant and Debtor as is mentioned in the said recited Acte, and before such time as any the Landes Tenementes and Hereditamentes disended unto the Heire of such Accomptant or Debtor, as Heire unto the same Accomptant or Debtor, shall be (²) as aforesaid, a Scire facias shall be awarded out of her Majesties Court of Exchequer unto the Sheriffe of thee Countie where any such Landes do lye, to garnish the same Heire to shew cause why the same Landes Tenementes and Hereditamentes, so to him disended as aforesaid, shoulde not be put to sale for satisfaction of the sayd Debts or Fermes in the same Acte mentioned, according to the tenor of the saide Act; whereupon if the Heire do not within a convenient time, upon a Garnishment or two Nichils returned, shewe & prove unto the saide Court, that the Executors or Administrators of such Accomptant or Debtor have sufficient, which ought to answer or be liable for the same Debte or Farme, & whereby the said Debte or Farme shall and may be duly and fully satisfied, that then after ten Moneths next after such two Nichils or Garnishment returned, the same Landes Tenementes and Hereditamentes shall be solde by her Majestie her Heires or Successors, and the Money thereof comminge disposed according to the true Intent and Meaning of the saide former recitede Acte.

III.
Recited Act and
this Act shall not
extend to bonâ fide
Sales, made before
Scire facias issued,
&c.

AND be it further enacted by the authorities aforesaid, That the said recited Acte and this Statute of Explanation [and ⁴] as touching onely the Sale of any Landes Tenementes or Hereditamentes to be made after the Death of such Accomptant or Debtor as is aforesaid, shall not extend to any Landes Tenementes or Hereditamentes which any person or persons, not being privie or consenting unto any such Intent to defraude the Queenes Majestie her Heires or Successors as in the saide recited Acte is mentioned, nowe have or enjoy and have purchased or obtained,

¹ so O: Dup.

² same O: Dup.

³ solde O: Dup.

⁴ also O: Dup.