

# S001

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Stewart Collection of Canadian and Atlantic History



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Anno Regni  
**GEORGI II.**  
**REGIS**

*Magnæ Britannia, Franciæ, & Hiberniæ,*  
**VICESIMO PRIMO.**

At the Parliament begun and holden at  
*Westminster*, the Tenth Day of *Novem-*  
*ber*, Anno Dom. 1747, in the Twenty  
first Year of the Reign of our Sovereign  
Lord **GEORGE** the Second, by the  
Grace of **GOD**, of *Great Britain,*  
*France*, and *Ireland*, King, Defender  
of the Faith, &c.

*Being the First Session of this present  
Parliament.*



**EDINBURGH,**  
Printed by **ADRIAN WATKINS,**  
His **MAJESTY'S** Printer. 1748.

Anno Regni

GEORGE II.

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Magnae Britanniae, Franciae, & Hiberniae,

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At the Parliament begun and holden at Westminster, the Tenth Day of November, Anno Dom. 1747, in the Twenty first Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of GOD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

Being the First Session of this present Parliament.



EDINBURGH.

Printed by ADRIAN WATKINS,  
His MAJESTY'S Printer. 1748.

Anno vicefimo primo

GEORGE II. Regis.

*An Act to amend and enforce so much of an Act made in the Nineteenth Year of His Majesty's Reign, as relates to the more effectual disarming the Highlands in Scotland; and restraining the Use of the Highland Dress, and to Masters and Teachers of private Schools and Chaplains; and to explain a Clause in another Act made in the same Year, relating to Letters of Orders of Episcopal Ministers in Scotland; and to oblige Persons allowed to carry Arms, and the Directors of the Banks there, and certain Persons belonging to, or practising in the Courts of Session and Justiciary, to take the Oaths; and to repeal some Clauses in an Act made in the First Year of the Reign of His late Majesty King George the First, whereby certain Encouragements are given to Landlords and Tenants in Scotland, who should continue in their Duty and Loyalty to His said late Majesty; and for other Purposes therein mentioned.*

**W**HEREAS by an Act made in the Nineteenth Year of the Reign of His present Majesty, intituled, Preamble, reciting several Clauses in the Act 19<sup>th</sup> Geor. II.

A 2

An

*An Act for the more effectual disarming the Highlands in Scotland; and for more effectually securing the Peace of the said Highlands; and for restraining the Use of the Highland Dress; and for further indemnifying such Persons as have acted in Defence of His Majesty's Person and Government, during the unnatural Rebellion; and for indemnifying the Judges and other Officers of the Court of Justiciary in Scotland, for not performing the Northern Circuit in May, One thousand seven hundred and forty six; and for obliging the Masters and Teachers of private Schools in Scotland, and Chaplains, Tutors, and Governors of Children or Youth, to take the Oaths to His Majesty, His Heirs, or Successors; and to register the same; it was amongst other Things enacted, That from and after the First Day of August, One thousand seven hundred and forty six, it should be lawful for the respective Lords Lieutenants of the several Shires of Dunbartain, Sterling, Perth, Kincardin, Aberdeen, Inverness, Nairn, Cromarty, Argyle, Forfar, Bamff, Sutherland, Caithness, Elgin, and Ross; and for such other Person or Persons as His Majesty, His Heirs, or Successors, should by His or Their Sign Manual, from time to time, think fit to authorize and appoint in that Behalf, to issue or cause to be issued out Letters of Summons in His Majesty's Name, and under his or their respective Hands and Seals, directed to such Persons within the said several Shires and Bounds,*

Act 1746. II.  
 Clauses in the  
 preamble, &c.

Bounds, as he or they from time to time shall think fit; thereby commanding and requiring all and every Person and Persons therein named, or inhabiting within the particular Limits therein described, to bring in, and deliver up, at a certain Time and Place, in such Summons to be mentioned, all and singular his and their Arms and Warlike Weapons, unto such Lord Lieutenant, or other Person or Persons so to be authorized or appointed in that Behalf as aforesaid, for the Use of His Majesty, His Heirs, or Successors, and to be disposed of in such Manner, as His Majesty, His Heirs, or Successors should appoint; and that if any Person or Persons in such Summons mentioned by Name, or inhabiting within the Limits therein described, should be convicted in Manner therein mentioned, of having or bearing any Arms or Warlike Weapons, after the Day prefixed in such Summons, every such Person or Persons should forfeit the Sum of Fifteen Pounds Sterling, and should be committed to Prison, until Payment of the said Sum; and if any Person or Persons convicted as aforesaid, should refuse or neglect to make Payment of the aforesaid Sum of Fifteen Pounds Sterling, within the Space of One Calendar Month from the Date of such Conviction, then any One or more of His Majesty's Justices of the Peace, or the Judge Ordinary of the Place, where such Offender or Offenders was or were imprisoned (in case he or they shall judge such Offender or Offenders

fenders fit to serve His Majesty as a Soldier or Soldiers) were thereby respectively authorized and required to cause him or them to be delivered over to such Officer or Officers as is therein mentioned, to serve as Soldiers in any of His Majesty's Forces in *America*: And that after reading the Articles of War against Mutiny and Desertion, and making such Entry and Certificate thereof as is thereby directed, every Person so delivered over should be deemed a listed Soldier to all Intents and Purposes, and should be subject to the Discipline of War, and in case of Desertion, should be punished as a Defenter; and that in case such Offender or Offenders should not be judged fit to serve His Majesty as aforesaid, then he or they should be imprisoned for the Space of Six Calendar Months, and also until he or they should give sufficient Security for his or their good Behaviour for the Space of Two Years from the giving thereof: In which said in Part recited Act is contained a Proviso, That no Peers of this Realm, nor their Sons, nor any Members of Parliament, nor any Person or Persons, who, by virtue of an Act of Parliament made in the First Year of the Reign of His late Majesty King *George* the First, therein recited or referred to, were allowed to have or carry Arms, notwithstanding the Prohibition in the said Act contained, of having, wearing, or bearing Arms, should be liable to be summoned to deliver up their Arms or Warlike Weapons; and that neither

Act 1 Geor. I.

ther the said recited Act of the Nineteenth of His present Majesty, nor the said Act of the First Year of His said late Majesty, therein referred to, should be construed to extend to exclude or hinder any Person, whom His Majesty, His Heirs, or Successors, by Licence under His or their Sign Manual, should permit to have or wear Arms, or who should be licensed to wear Arms, by any Writing or Writings under the Hand and Seal, or Hands and Seals of any Person or Persons authorized by His Majesty, His Heirs, or Successors, to give such Licence from keeping, bearing, or wearing such Arms and Warlike Weapons, as in such Licence or Licences should for that Purpose be particularly specified: And it was thereby further enacted, That from and after the First Day of *August*, One thousand seven hundred and forty seven, no Man or Boy within that Part of *Great Britain* called *Scotland*, other than such as should be employed as Officers and Soldiers in His Majesty's Forces, should, on any Pretence whatsoever, wear or put on the Clothes commonly called Highland Clothes; that is to say, the Plaid, Philibeg, or Little Kilt, Trowse, Shoulder Belts, or any Part whatsoever of what peculiarly belongs to the Highland Garb; and that no *Tartan* or parti-coloured Plaid or Stuff should be used for Great Coats, or for Upper Coats, under the Penalties therein mentioned: And it was thereby further enacted, That from and after the First Day of *November*, One thousand



ſand ſeven hundred and forty fix, no Perſon ſhould exerciſe the Employment, Function, or Service of a Chaplain in any Family in that Part of *Great Britain* called *Scotland*, or of a Governor, Tutor, or Teacher of any Child, Children, or Youth reſiding in *Scotland*, or in Parts beyond the Seas, without firſt qualifying himſelf by taking the Oaths thereby directed and appointed, and cauſing a Certificate of his having ſo done to be entered or regiſtered as is therein directed, under the Pains and Penalties therein mentioned: And that it ſhould not be lawful for any Perſon in *Scotland*, to keep a private School for teaching *English*, *Latin*, *Greek*, or any Part of Literature, or to officiate as a Maſter or Teacher in ſuch School for Literature, other than as therein mentioned, until the Situation and Deſcription of ſuch private School be firſt entered and regiſtered, with a Certificate of his having qualified himſelf by taking the Oaths appointed by Law as therein mentioned; and ſuch Maſter or Teacher is thereby required, as often as Prayers ſhall be ſaid in ſuch School, to pray, or cauſe to be prayed for, in expreſs Words, His Maſteſty, His Heirs, and Succeſſors, by Name: And whereas it hath been found by Experience, that ſo much of the ſaid Act as is herein before recited is not ſufficient or effectual to answer the Purpoſes thereby intended, and that it is neceſſary to enforce the ſame by ſome new Proviſions and Regulations; be it therefore enacted by the King's moſt excellent

lent 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 it shall and may be lawful for the respective Lieutenants of any of the Fifteen Shires in the said recited Act for that Purpose named, and for such other Person or Persons as in pursuance of the same Act hath or have been authorized by His Majesty, or shall hereafter be authorized by His Majesty, His Heirs, or Successors, to issue out Letters of Summons for the delivering of Arms and Warlike Weapons as is therein mentioned, to nominate and appoint by Writing under their respective Hands and Seals, such Person or Persons as they respectively shall think fit to receive the Arms or Warlike Weapons so to be delivered up in Obedience to any such Summons from any Person or Persons so delivering up the same at the Days and Places to be for that Purpose mentioned in any such Summons, and the Person or Persons so nominated or appointed to receive any such Arms or Warlike Weapons, shall transmit, or cause the same to be transmitted to such Place or Places as such Lieutenant or other Person authorized as aforesaid shall direct and appoint; and all and every Person and Persons, obliged by the said recited Act to deliver up his, her, or their Arms or Warlike Weapons, shall incur the like Penalties and Forfeitures, and be subject to the same Punishments respectively, for having or bearing

The Lieutenants appointed to issue Summons for the delivering up of Arms, &c.

to nominate Persons to receive the same.

Penalty of not delivering up Arms.

ing Arms or Warlike Weapons after the Day prefixed in any such Summons, issued in pursuance of the said recited Act, and this present Act, as he, she, or they are by the said recited Act made subject or liable to for having or bearing Arms or Warlike Weapons contrary to the true Intent and Meaning of the said recited Act.

Part of the re-cited Act relating to the Summoning of Peers, &c. to deliver up their Arms, repealed.

And it is hereby further enacted by the Authority aforesaid, That so much of the said recited Act, whereby it is enacted, That no Peers of this Realm, nor their Sons, nor any Members of Parliament, nor any Person or Persons, who by the said Act of the First Year of His late Majesty were allowed to have or carry Arms, should by virtue of the said recited Act be liable to be summoned to deliver up their Arms or Warlike Weapons, be, and the same is hereby repealed.

The Prohibition in Act 1 Geo. I. and 19 Geo. II. &c. of having Arms, not to extend to Persons qualified as herein described.

And be it further enacted, That the Prohibition contained in the said Act of the First Year of His said late Majesty's Reign, or in the said Act of the Nineteenth Year of His present Majesty's Reign, or in this Act, of having, keeping, bearing, or wearing any Arms or Warlike Weapons, and the Pains and Penalties aforesaid, shall not extend, or be construed to extend to any Officers, or their Assistants, employed in the Execution of Justice, nor to prohibit or hinder any Person, who is qualified to vote at Elections of Parliament Men, to serve for any of the above-named Counties; nor any Heretor or Life-renter, possessed of an Estate of Four hundred,

number of Arms limited.

hundred, and less than One thousand Pounds, Scots Valued Rent, to have in his Custody, to be used by himself, Family, or Servants, in the Manner allowed by the Laws now in Force, any Number of Arms, not exceeding Three Firelocks, Three Pair of Pistols, and Three Swords or Cutlasses; nor to prohibit or hinder any Heretor or Life-renter, possessed of an Estate of One thousand, or more and less than Three thousand Pounds, Scots Valued Rent, to have in his Custody, to be used by himself, Family, or Servants, in the Manner allowed by the Laws now in Force, any Number of Arms, not exceeding Seven Firelocks, Seven Pair of Pistols, and Seven Swords or Cutlasses; nor to prohibit or hinder any Heretor or Life-renter, possessed of an Estate of Three thousand, or more and less than Six thousand Pounds, Scots Valued Rent, to have in his Custody, to be used by himself, Family, or Servants, in the Manner allowed by the Laws now in Force, any Number of Arms, not exceeding Twelve Firelocks, Twelve Pair of Pistols, and Twelve Swords or Cutlasses; nor to prohibit or hinder any Heretor or Life-renter, possessed of an Estate of Six thousand, or more and less than Nine thousand Pounds, Scots Valued Rent, to have in his Custody, to be used by himself, Family, or Servants, in the Manner allowed by the Laws now in Force, any Number of Arms, not exceeding Twenty Firelocks, Twenty Pair of Pistols, and Twenty Swords or Cutlasses;

nor to prohibit or hinder any Heretor or Life-renter, possessed of an Estate of Nine thousand Pounds, *Scots* Valued Rent, or more, to have in his Custody, to be used by himself, Family, or Servants, in the Manner allowed by the Laws now in Force, any Number of Arms, not exceeding Thirty Firelocks, Thirty Pair of Pistols, and Thirty Swords or Cutlasses; nor to prohibit or hinder the Magistrates of any Burgh Royal, to have in their Custody a sufficient Number of Arms for keeping Guard within their Borough, according to the Directions of their respective Magistrates; nor to prohibit or hinder any Person, who shall be licensed to keep, bear, or wear Arms, pursuant to the Directions of the said recited Act, from keeping, bearing, or wearing such and so many Arms or Warlike Weapons, as in such Licence or Licences shall be for that Purpose particularly specified; nor to prohibit or hinder the Officers of the Army, having His Majesty's Commissions, and the Soldiers under their Command, to keep, use, or bear Arms as formerly; nor the Lieutenants of Counties, or their Deputies, or the sensible Men under their Command, to keep and receive Arms out of His Majesty's Magazines, and to use the same during the Time that their Militia or sensible Men shall be called out by lawful Authority.

Arms above  
the Number  
limited, to be  
delivered up  
on Summons.

Provided nevertheless, That the several Persons before mentioned, to whom a limited Number of Arms is hereby allowed, shall be

be obliged, upon Summons, according to the said recited Act of the Nineteenth Year of His present Majesty, to deliver up in the Manner directed by this and the said Act, all such Arms as they shall have in their Custody or Use, over and above the Number so limited.

Provided also, That the Arms in Burghs Royal be kept in the Magazines, under the Care of the Magistrates, and not left in private Houses, unless by special Order or Warrant in Writing from the Magistrates; and that the whole Number of Arms so kept in any Royal Burgh, shall not exceed the Number of Two hundred Stand of Arms; and that the said Lieutenants of Counties, their Deputies, Militia, and sensible Men under their Command, do return the Arms received out of the King's Magazines, within Twenty Days after the Expiration of the Time for which they shall be called out.

Place and Number of Arms to be kept in Royal Burghs.

And be it further enacted, That from and after the Twenty ninth Day of *September*, One thousand seven hundred and forty eight, no Person whatsoever, by reason of having an Income of Four hundred Pounds, *Scots* Valued Rent, or any greater Rent, or being qualified to vote at Elections of Parliament Men, or by Licence, shall be intitled to keep, bear, or wear any Arms, by himself, Family, or Servants, unless he shall first have qualified himself, by taking and subscribing the Oaths of Allegiance and Abjuration, and subscribing the Assurance appointed by Law

Persons having Arms to qualify themselves.

to

to be taken by Persons in Offices of publick Trust in *Scotland*, either in the Court of Session, Court of Justiciary, or in the Sheriff or Stewart's Court of the County, Shire, or Stewartry, where such Person shall reside, or in One of His Majesty's Courts at *Westminster*, and caused a Certificate of his having so done to be entered or registered in a Book to be kept for that Purpose in One of the said Courts in *Scotland*; and in case any such Person as aforesaid shall presume to keep or carry any Arms, without having first qualified himself as aforesaid, every such Person shall forfeit the said Arms to His Majesty, His Heirs, and Successors, and also One hundred Pounds *Sterling*, to be recovered in any of the said Courts in *Scotland*; One Moiety to the Use of His Majesty, His Heirs, and Successors, and the other Moiety to the Person who shall sue for the same.

and register  
the same.

Penalty.

And whereas the Time for the Commencement of such Part of the said recited Act, as relates to the restraining the Use of the Highland Dress, was, by an Act made in the Twentieth Year of His present Majesty's Reign, enlarged, as to all Persons not being Landed Men, until the First Day of *August*, One thousand seven hundred and forty eight: And whereas the Provision made by the said recited Act is necessary to be carried into execution; but it is reasonable to give some further Time and Opportunity for performing some Parts thereof: It is hereby enacted by the Authority aforesaid,

That

That the Time given and appointed by the said last mentioned Act for the Purposes therein mentioned, shall be, and the same is by this present Act enlarged (as to all those who are not Landed Men, or the Sons of Landed Men) from the First Day of *August*, One thousand seven hundred and forty eight, till the First Day of *August*, One thousand seven hundred and forty nine.

The Time limited for the Use of the Highland Dress enlarged.

Provided always, That nothing in this Act contained shall extend, or be construed to give Liberty to any Person whatsoever to wear or put on those Parts of the Highland Clothes, Garb, or Habiliments, which are called the Plaid, Philibeg or Little Kilt, or any of them; but that the said recited Act shall, as to the Plaid, Philibeg, or Little Kilt, take Place, from and after the Twenty fifth Day of *December*, One thousand seven hundred and forty eight.

Parts of the Highland Clothes prohibited to be worn after 25 Dec. 1748.

And be it further enacted, That from and after the said Twenty fifth day of *December*, it shall and may be lawful to and for any of His Majesty's Subjects whatsoever, to take up and apprehend all and every such Person or Persons as they shall find wearing, contrary to Law, the said Highland Clothes or Garb, or any Part thereof, and forthwith to carry such Person or Persons before any of His Majesty's Justices of the Peace for the Shire or Stewartry, or Judge Ordinary of the Place where such Person or Persons shall be found or apprehended, who are hereby empowered to try and convict every such Offender in a summary Way.

Persons wearing the said Clothes to be apprehended;

And



And it is hereby enacted, That instead of the Penalties inflicted by the said recited Act of the Nineteenth of His present Majesty, it shall and may be lawful to and for any such Justice, or Judge Ordinary, to cause such Offender, not being a Landed Man, or the Son of a Landed Man, lawfully convicted of wearing or putting on the said Highland Clothes or Garb, or any Part thereof, contrary to the said recited or this Act, whom he or they shall judge fit to serve His Majesty as a Soldier, to be delivered, as he and they are hereby required and impowered to do, to any Officer belonging to His Majesty's Forces to serve therein; for which Purpose the Officer who shall receive such Person, shall then cause such or so much of the Articles of War made or to be made, as are or shall be directed to be read to Persons enlisted as Soldiers, to be read to him in the Presence of such Justice of the Peace, or Judge Ordinary so delivering over such Man, who shall cause an Entry or Memorial thereof to be made, together with the Names of the Persons so delivered over, with a Certificate thereof in Writing, under his or their Hands, to be delivered to the said Officer or Officers; and from and after reading such Part of the said Articles of War as aforesaid, every Person so delivered over to such Officer or Officers to serve as a Soldier, shall be deemed a listed Soldier to all Intents and Purposes, and shall be subject to the Discipline of War, and

and to be delivered over to serve as Soldiers;

and the Articles of War to be read to them, &c.

and in case of Desertion shall be punished as a Defenter.

And for the better ascertaining what shall be deemed exercising the Employment, Function or Service of a Chaplain within the true Intent and Meaning of the said recited Act, be it enacted and declared, That from and after the Twenty ninth Day of September One thousand seven hundred and forty eight, any Person being, or pretending to be in Holy Orders, of any Denomination whatsoever, other than the Ministers, Elders, or Preachers of the established Church of Scotland, who shall preach or perform any Divine Service in any House or Family of which he is not the Master, in the Presence or Hearing of any other Person or Persons, whether such Person or Persons be of the Family or not, shall be deemed to be one who exercises the Employment, Function and Service of a Chaplain within the Provision and true Intent and Meaning of the same Act.

The Description of a Chaplain within the Meaning of the recited Act.

And whereas, to evade the Execution of the said Act, relating to Persons keeping or being Master or Teacher in such private Schools, divers Persons have kept such Schools in the Names of others, and had or enjoyed the Profits thereof to themselves, and have thereby avoided complying with the Qualifications required by the said Act: For Remedy thereof, be it enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September One thousand

Schoolmasters to take the Oaths, &c.

C

sand seven hundred and forty eight, every  
 Person who shall keep, in his own Name,  
 or in the Name or Names of any other Per-  
 son, any private School for teaching *English,*  
*Latin, Greek,* or any Part of Literature,  
 or any School for Literature, other than as  
 in the said Act is excepted, or who shall  
 have, receive, or be interested in the Profits,  
 or any Share of the Profits of such School,  
 shall be obliged to take the Oaths appointed  
 by Law to be taken by Persons in Offices of  
 publick Trust in *Scotland*; and to pray, or  
 cause to be prayed for in exprefs Words, His  
 Majesty, His Heirs and Successors by Name,  
 and for all the Royal Family, as often as  
 there shall be Prayers in such School, or be-  
 fore or in the Hearing of any of the Scho-  
 lars belonging to such School; and if any  
 Person shall, from and after the said Twenty  
 ninth Day of *September,* keep any such  
 School in his own Name, or in the Names  
 of any other Person or Persons, or have, re-  
 ceive, or be interested in the Profits, or any  
 Share of the Profits of such private School,  
 as shall not have been registered in Manner  
 directed by the said Act, or without having  
 qualified himself, and caused the Certificate  
 thereof to be registered in Manner directed  
 by the said Act; or in case he shall neglect  
 to pray for His Majesty, His Heirs and Suc-  
 cessors by Name, and all the Royal Family,  
 or cause them to be prayed for as aforesaid;  
 or in case he shall resort to, or attend Divine  
 Worship in any Episcopal Meeting-house not  
 allowed

Penalty of not  
 complying  
 with the Di-  
 rections of the  
 recited Act.

allowed by Law; every Person so offending, being thereof lawfully convicted before Two or more Justices of the Peace, or before any other Judge competent summarily, shall, for the First Offence, suffer Imprisonment for the Space of Six Months; and for the Second or any Subsequent Offence, being thereof lawfully convicted before the Court of Justiciary, or in any of the Circuit Courts, shall be adjudged to be transported, and shall be accordingly transported to some of His Majesty's Plantations in *America*, for Life; and in case any Person so adjudged to be transported, shall return into or be found in *Great Britain*, he shall suffer Imprisonment for Life.

And whereas by a Clause in another Act made in the Nineteenth Year of His Majesty's Reign, intituled, *An Act more effectually to prohibit and prevent Pastors or Ministers from officiating in Episcopal Meeting-houses in Scotland, without duly qualifying themselves according to Law; and to punish Persons for resorting to any Meeting-houses where such unqualified Pastors or Ministers shall officiate*; it is enacted, That from and after the First Day of *September*, in the Year of our Lord One thousand seven hundred and forty six, no Letters of Orders of any Pastor or Minister of any Episcopal Meeting or Congregation in *Scotland*, should be deemed sufficient, or be admitted to be registered, but such as had been given by some Bishop of the Church of *England*, or

Letters of Orders not granted by some Bishop of the Church of England or Ireland, insufficient to qualify.

of Ireland; and in case any Letters of Orders, other than such as are before described, should be registered, such Registration should be deemed null and void to all Intents and Purposes: And whereas a Doubt has been raised upon the said recited Clause, whether the same doth extend to any Letters of Orders which have been registered before the said First Day of *September*: Now, for clearing and taking away any such Doubt, it is hereby enacted and declared by the Authority aforesaid, That no Letters of Orders, not granted by some Bishop of the Church of *England*, or of *Ireland*, shall, from and after the Twenty ninth Day of *September* One thousand Seven hundred and forty eight, be sufficient, or be taken or adjudged to be sufficient, to qualify any such Pastor or Minister as above mentioned, whether the same were registered before or after the said First Day of *September*; and that every such Registration, either made before or after the said First Day of *September*, shall, from and after the said Twenty ninth Day of *September*, be deemed null and void to all Intents and Purposes.

Persons belonging to either of the Banks to qualify themselves.

And be it further enacted by the Authority aforesaid, That every Person who, on the Twenty fourth Day of *June*, in the Year of our Lord One thousand seven hundred and forty eight, shall be a Governor, Deputy Governor, Director, Secretary, Cashier, Treasurer, Accountant or Teller of, or use  
or

or exercise any such Employment in either of the Banks in that Part of *Great Britain* called *Scotland* (that is to say) The Bank called or known by the Name of the Bank of *Scotland*, or the Bank called or known by the Name of the Royal Bank, shall, within the Space of Three Months after the said Twenty fourth Day of *June*, take and subscribe the Oaths of Allegiance and Abjuration, and subscribe the Assurance appointed by Law to be taken and subscribed by Persons in Offices of publick Trust in *Scotland*, either in the Court of Session, Court of Justiciary, or in the Sheriff or Stewart's Court of the County, Shire or Stewartry where such Person shall reside, or in One of His Majesty's Courts at *Westminster*: And every Person who, after the said Twenty fourth Day of *June*, shall be elected or appointed to be, or accept or take upon him the Employment of a Governor, Deputy Governor, Director, Secretary, Cashier, Treasurer, Accountant, or Teller of either of the said Banks, shall, within Three Months after he shall accept or take upon him such Employment, take and subscribe the said Oaths, and subscribe the said Assurance, either in the said Court of Session, Court of Justiciary, or in the Sheriff's or Stewart's Court of the County, Shire or Stewartry where such Person shall reside, or in One of His Majesty's Courts at *Westminster*; the taking and subscribing of which said Oaths and Assurance, by all such Persons respectively, shall be entered

Qualifications  
to be entered.

tered on a Roll or in a Book for that Purpose, and be kept amongst the Records of the said several Courts.

Penalty on such  
Persons not  
qualifying  
themselves.

And be it further enacted by the Authority aforesaid, That every such Person who shall refuse or neglect to take and subscribe the said Oaths, or to subscribe the said Assurance in some of the said Courts within the respective Times aforesaid, shall be *ipso facto* adjudged and deemed incapable and disabled in Law to enjoy, use or exercise such Employment of a Governor, Deputy Governor, Director, Secretary, Cashier, Treasurer, Accountant or Teller: And if any such Person so refusing or neglecting to take and subscribe the said Oaths, or subscribe the said Assurance as aforesaid, shall, after such Refusal or Neglect, exercise such Employment, every such Person shall be liable to incur the same Forfeitures, Penalties and Disabilities, as Persons executing Offices of publick Trust in *Scotland*, who have neglected, within the Time required by Law to take and subscribe the said Oaths, or subscribe the said Assurance, may by the Laws now in Force be liable to and incur.

Recital of a  
Clause in Act  
20 Geo. II. re-  
lating to A-  
gents and So-  
licitors.

And whereas by one other Act of the Twentieth Year of His present Majesty's Reign, it is enacted, That from and after the Twenty ninth Day of *September* One thousand seven hundred and forty seven, it shall not be lawful for any Person whatsoever in *Scotland*, to act as Writer, Agent or Solicitor, or to manage, agent, or solicit any Cause

Cause or Business in the Court of Session, Court of Justiciary (whether at *Edinburgh* or in the Circuit Courts) or in the Court of Exchequer, until such Person shall have first taken and subscribed the Oaths in the Court of Session or Justiciary, or in One of the Sheriff's or Stewart's Courts appointed by Law to be taken by Persons in Offices Civil or Military in *Scotland*, and caused a Certificate of his having so done, to be entered or registered in a Book to be kept for that Purpose in the respective Courts where any such Person shall so officiate.

Certificate  
of Oaths  
registered

And whereas a Doubt hath been entertained, whether the Persons acting as Extractors in and about the Court of Session, as Clerks to any of the Lords of Session, or to any Advocate, as Clerks or first Servants to the principal and under Clerks of Session, or as Keepers of the Registers of Bonds, or other Registers, as Collectors or Sub Collectors of the Fees of the Lord Register and Clerks of Session, are comprehended within the Intent and Meaning of the said Act; be it therefore enacted by the Authority aforesaid, That no Person shall, after the said Extractors and Clerks, &c. to the Court to qualify themselves. Twenty ninth Day of *September*, in the Year One thousand seven hundred and forty eight, be or act as Extractor to the Court of Session, or as Clerk to, or Keeper of the Hand Rolls of any of the Lords of Session or Justiciary, or as Clerk to any Advocate, or as Clerk or first Servant to any of the principal or under Clerks of Session or Justiciary,

Persons who  
have qualified  
to be added  
to the  
List



Certificates  
thereof to be  
registered.

Lists of the  
Persons who  
have qualified  
to be affixed in  
the Outer and  
Inner House of  
the Court.

sticiary, or as Keeper or under Keeper of the Register of Bonds in any of the said Clerks Offices, or other Offices of Registers, or as Collectors or Sub Collectors of the Fees of the Lord Register, or Clerks of the Session, unless he first take the Oaths, and subscribe the Assurance, appointed to be taken and subscribed by Persons in Offices of publick Trust in *Scotland*, and cause a Certificate thereof to be entered and registered in a Book to be kept for that Purpose; and the Lords of the Session are hereby required to cause such Book to be kept by One of the Principal Clerks of the Session, who is to enter the Names of the Persons taking the said Oaths, and subscribing the said Assurance, in such Books, upon the said Persons taking such Oaths, and subscribing such Assurance, before the Lords of the Session, upon Certificate from the proper Officer of such other Courts, where the same shall be taken and subscribed respectively; and the Lords of the Session shall cause true and exact Lists of the said Persons so taking the said Oaths, and subscribing the said Declaration, to be affixed every first and last Day of every Session, in the Outer and Inner House of the said Court, and to be kept up there constantly, till new Lists are fixt up according to this Act; and in case any Person shall, after the said Twenty ninth Day of *September*, be or act as aforesaid, before he shall have so taken the said Oaths, and subscribed the said Assurance, he shall be subject

Subject to the same Disabilities, Forfeitures, Penalties and Punishments, as if he was Writer, Agent or Solicitor, within the Intent of the said Act; and the Lords of Session are hereby impowered to give such Orders, from time to time, to their Clerks, Macers, or Keepers of the Minute Book, or other inferior Officers, or Members of their Court as they shall judge necessary, for the more effectually discovering and punishing such of the said Persons, and such Writers, Agents or Solicitors, who shall not qualify themselves according to this and the said recited Act, and to censure and punish such Officers of their Court, as they shall find guilty of neglecting to give Obedience to such Orders, or wilfully concealing any such Offenders in not so qualifying themselves.

Orders to be given by the Lords of Session for discovering Agents not qualifying,

And whereas, by an Act of Parliament passed in the First Year of the Reign of His late Majesty, intituled, *An Act for encouraging of Superiors, Vassals, Landlords, and Tenants in Scotland, who do or shall continue in their Duty and Loyalty to His Majesty King George; and for discouraging all Superiors, Vassals, Landlords, and Tenants there, who have been, or shall be guilty of Rebellious Practices against His said Majesty; and for making void all fraudulent Entails, Tailzies, and Conveyances made there, for barring or excluding the Effect of Forfeitures that may have been, or shall be incurred there on any such Account; and also for calling any suspected Person or Persons,*

Recital of Clauses in an Act of 1 Geo. II

D

whose

whose Estates or Principal Residence are in Scotland; to appear at Edinburgh, or where it shall be judged expedient to find Bail for their good Behaviour; and for the better disarming disaffected Persons in Scotland; it is amongst other Things enacted, That all and every Tenant and Tenants in Scotland, who should continue peaceable, and in dutiful Allegiance to His Majesty, His Heirs, and Successors, bruicking and occupying any Lands, Milns, Mines, Woods, Fishings, or Tenements, as Tenant or Tenants, Taxman or Taxmen, from and under any Person guilty of any of the High Treasons in the said Act mentioned, should, and they were thereby ordained to bruick and occupy all and every such Lands, Mines, Milns, Woods, Fishings, and Tenements, for the Space of Two Years, or Crops, to be accounted from and after the Attainder of such Person, freely without Payment of any Rent, Duty, or Service, for the said Two Years or Crops; and that if any Subject of Great Britain, holding Lands or Tenements, of a Subject superior in Scotland, had been, or should be guilty of the High Treason or Treasons in the said Act mentioned, the Lands or Tenements of every such Offender, held of any Subject superior in Scotland, should recognosce and return into the Hands of the Superior, and the Property should be, and was thereby consolidated, with the Superiority in the same Manner, as if the same Lands or Tenements had been by

by the Vassal resigned into the Hands of his Superior, *ad perpetuam Remanentiam*; and in case any Tenant or Tenants, Taxman or Taxmen, bruicking and occupying any Lands, Mines, Milns, Woods, Fishings, or Tenements, being guilty of such High Treason or Treasons as aforesaid, and should be thereof duly convicted, and attainted, the Title by which all and every such Tenant or Tenants, Taxman or Taxmen, did bruick or occupy as aforesaid, should cease and become void, and the Lands, Mines, Milns, Woods, Fishings, and Tenements so bruicked or occupied, together with the single and Life-Rent Escheat of such Tenant or Tenants, Taxman or Taxmen, should return to and be enjoyed and possessed by the Person or Persons from or under whom such Title was derived respectively, who should continue peaceable and dutiful to His Majesty, His Heirs, and Successors: And it is by the said last recited Act further enacted, That no Person or Persons who might reap or have any Benefit or Advantage by the Attainder, Conviction, or Forfeitures of any Person or Persons by virtue of the same Act, should be capable of being a Witness or Witnesses against any Person or Persons by whose Attainder, Conviction, or Forfeitures, any Benefit should or might accrue to such Witness or Witnesses: And whereas the said Act was made on the Occasion of the unnatural Rebellion which broke out in this Kingdom in the Year of our Lord One thou-

land seven hundred and fifteen, but a Doubt hath been conceived whether the Clauses herein before recited, or some Part thereof, do still continue in Force, or not; and in case the same should be adjudged so to be, great Inconveniencies might insue therefrom for the future; be it therefore enacted by the Authority aforesaid, That so much of the said Act as is before recited be, and the same is hereby, from and after the Twenty ninth Day of *September*, One thousand seven hundred and forty eight, repealed, and declared to be no longer in Force.

The recited  
Clauses re-  
pealed.

The King's  
Right, &c.  
not affected by  
the said Clause.

Provided always, That nothing in this Clause contained shall extend, or be construed to extend, to prejudice or affect the Right, Title, or Interest of the King's most Excellent Majesty, or of any other Person or Persons, vested or accrued by virtue or means of any Matter or Thing whatsoever, happened or done at any Time before the said Twenty ninth Day of *September*.

Construction  
of the said  
Clauses.

Provided also, That nothing herein contained shall be construed to extend or enure, to declare or determine the said Clauses herein before recited, or any Part thereof, to be or continue in Force till the said Twenty ninth Day of *September*; but such Exposition and Construction of the said recited Clauses, and every Part thereof, shall be made, as to any Matter or Thing happening before the said Twenty ninth Day of *September*, as would and ought to have been made in case this Act had never been passed.

And

And whereas it is necessary to make some farther Provision for the more effectually suppressing the Crimes of Theft of Cattle in the Highlands of *Scotland*, or the Depredations committed by the unlawful taking or maintaining the Possession of Cattle by Force and Violence; be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of *June*, One thousand seven hundred and forty eight, in all Trials or Prosecutions within that Part of *Great Britain* called *Scotland*, for the Crimes of Theft of Cattle, or the masterful taking away or detaining the same, it shall not be allowed to be a good Objection to any Witness produced for proving such Libel or Indictment, that he was himself *Particeps* or *Socius Criminis*, nor shall the Evidence given by such Witness be made use of against himself, nor shall he be liable to be prosecuted for his Accession to the Offence which he shall as a Witness give Evidence, that the same was committed by the Prisoner or Pannel, in whose Trial he shall be so adduced, or that such Prisoner or Pannel was Art and Part thereof; any Law, Custom, or Usage to the contrary notwithstanding.

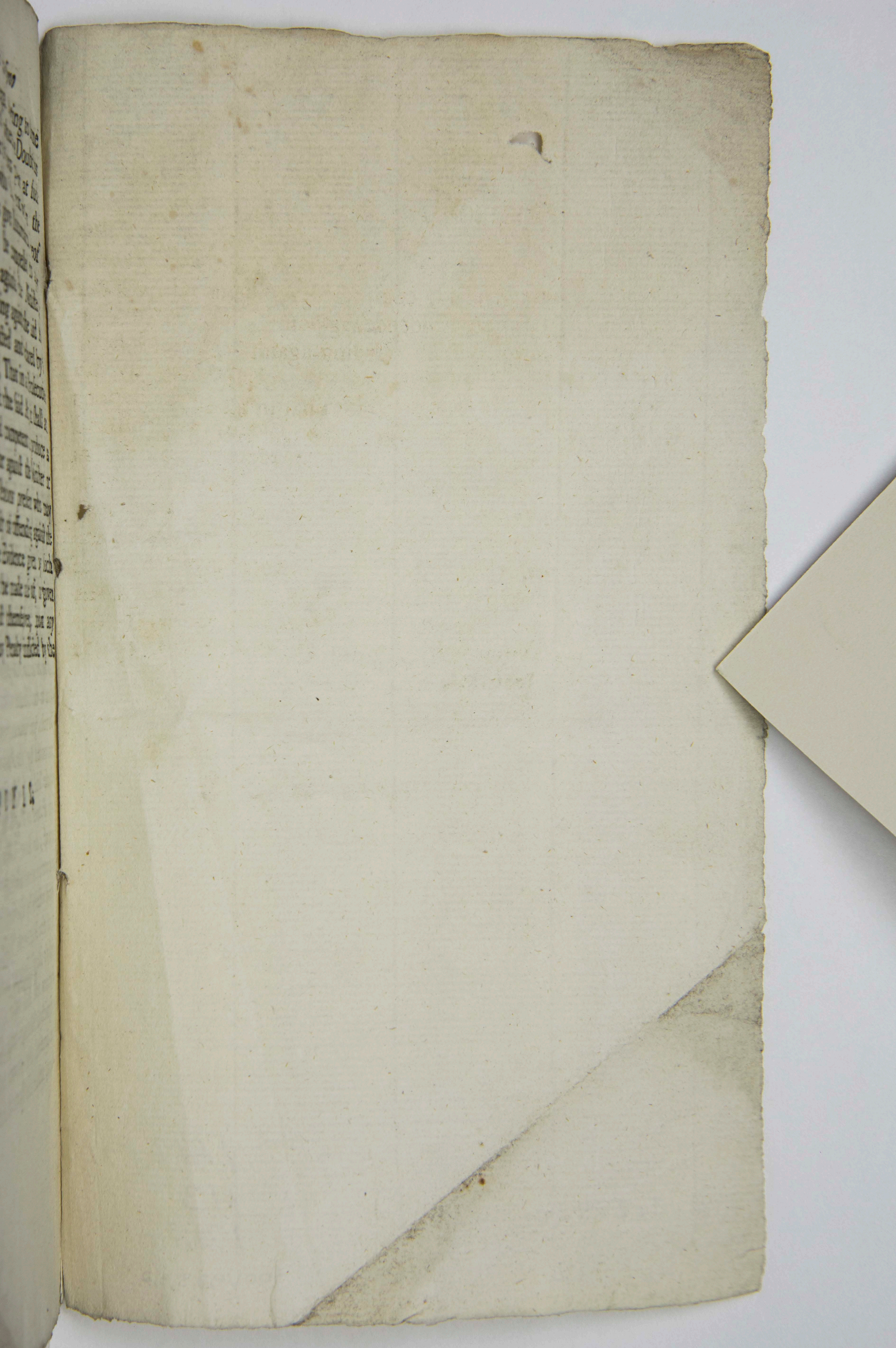
And whereas by another Clause of the said Act of the Nineteenth Year of His present Majesty's Reign, there are Penalties imposed on Persons who shall resort to, or frequent any Episcopal Meeting-house or Congregation in *Scotland*, not allowed by Law, who shall not, within the Space of five Days, give Infor-

The Evidence of the Party concerned admitted in Trials for Theft of Cattle.

Information of such illegal Meeting to some proper Magistrate : And whereas a Doubt has been raised whether Persons present at such illegal Meeting, who did not within the Space of Five Days give Information thereof as aforesaid, could be compelled to appear and give Evidence against the Minister, or other Person offending against the said Act ; be it therefore enacted and declared by the Authority aforesaid, That in all Prosecutions for Offences against the said Act, it shall and may be lawful and competent to produce as Witnesses, whether against the Minister or Hearers, other Persons present who may also have been guilty of offending against the said Act ; but the Evidence given by such Witnesses shall not be made use of, or given in Evidence against themselves, upon any Prosecution for any Penalty inflicted by the said Act.

The Evidence of the Party resorting to unlicensed Episcopal Meeting houses, admitted on Trials for the said Offence.

**F I N I S,**





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