



# Scottish Episcopalians Act 1711

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An Act to prevent the disturbing those of the Episcopal Communion in Scotland in the Exercise of their Religious Worship and in the Use of the Liturgy of the Church of England and for repealing the Act passed in the Parliament of Scotland intituled Act against irregular Baptisms and Marriages

## Editorial Information

X1 This is Chapter VII, in the Common printed Editions.

## Textual Amendments

F1 Act repealed, so far as relates to the imposing any penalties, forfeitures, or disabilities on any person or persons, for or on account of his or their frequenting or resorting to any episcopal chapel or meeting house in Scotland or officiating in any such chapel or meeting house, by [Scottish Episcopalians Relief Act 1792 \(c. 63\), s. 1](#)

## Modifications etc. (not altering text)

C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)

## Reasons for passing this Act.

Whereas since the abolishing of Episcopal Government in Scotland those of the Episcopal Perswasion there have been frequently disturbed and interrupted in their Religious Assemblies and their Ministers prosecuted for reading the English Service in their Congregations and for administring the Sacraments according to the Form and Manner prescribed in the Liturgy of the Church of England.

## [I.] **Persons of the Episcopal Communion in Scotland, empowered to meet for the Exercise of Divine Worship, and to be protected therein by Magistrates, &c.**

It shall be free and lawful for all those of the Episcopal Communion in Scotland to meet and assemble for the Exercise of Divine Worship to be performed after their own Manner by Pastors ordained by a Protestant Bishop and who are not established

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Ministers of any Church or Parish and to use in their Congregations the Liturgy of the Church of England if they think fit without any Let Hindrance or Disturbance from any Person whatsoever And all Sheriffs of Shires and Magistrates of Boroughs and Justices of the Peace are hereby strictly required to give all Manner of Protection Aid and Assistance to such Episcopal Ministers and those of their own Communion in their Meetings and Assemblies for the Worship of God held in any Town or Place except Parish Churches within the Extent and Jurisdiction of Scotland

**II What Persons, and under what Conditions, empowered to officiate as Pastors. Letters of Orders recorded. Fee.**

Provided always That none shall presume to exercise the Function of a Pastor in the said Episcopal Meetings and Congregations except such as shall have received Holy Orders from the Hands of a Protestant Bishop and that every Person who shall be called or appointed to be a Pastor or Minister of any Episcopal Congregation or Assembly before he take upon him to officiate as Pastor of the said Congregation be hereby obliged and required to present his Letters of Orders to the Justices of Peace at their General or Quarter Sessions to be held for the Shire City Town or other Place in which the said Episcopal Congregation is or shall be and that the said Letters of Orders be there entred on Record by the Register or Clerk of the said Meeting of the Justices for which there shall be no greater Fee or Reward taken than the Sum of [<sup>F2</sup>5p]

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**Textual Amendments**  
**F2** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

**III** ..... <sup>F3</sup>

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**Textual Amendments**  
**F3** [S. 3](#) repealed by [Promissory Oaths Act 1871 \(c. 48\), Sch. 1 Pt. II](#)

**IV** ..... <sup>F4</sup>

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**Textual Amendments**  
**F4** [S. 4](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. V](#)

**V Scotch Act, 1695, repealed. No Penalty incurred by resorting to Episcopal Meetings, &c.**

And whereas since the Establishment of the Presbyterian Government in Scotland some Laws have been made by the Parliament in Scotland against the Episcopal Clergy of that Part of the United Kingdom and particularly an Act passed in the Parliament held in the Year One thousand six hundred ninety five intituled Act against irregular Baptisms and Marriages by which all Episcopal Ministers who were turned out of their Churches are prohibited to baptize any Children or to solemnize any Marriage upon Pain of perpetual Imprisonment or Banishment the said Act abovementioned be hereby

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repealed and annulled and that in all Time coming no Person or Persons shall incur any Disability Forfeiture or Penalty whatsoever upon account of his or their resorting to the said Episcopal Meetings held for the Worship of God and that it shall be free and lawful for all the Subjects in Scotland to assemble and meet together for Divine Service without any Disturbance and to settle their Congregations in what [<sup>X2</sup>Town] or Places they shall think fit to choose except Parish Churches and for the Episcopal Ministers not only to pray and preach in the Episcopal Congregations but to administer the Sacraments and marry without incurring any Pain or Penalty whatsoever Any Law or Statute to the contrary notwithstanding.

**Editorial Information**

- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: Towns O. [This O refers to a collection in the library of Trinity College, Cambridge]

**VI Baptisms to be registered.**

Provided always That the Parents who have their Children christned by Episcopal Ministers be hereby obliged to enter the Birth and Christning of their Children in the Register-Books for Christnings belonging to the respective Parishes in which they live.

**VII** .....<sup>F5</sup>

**Textual Amendments**

- F5** S. 7 repealed by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), [Sch. 3](#)

**VIII Proviso for existing Laws against Profaneness, &c.**

Provided always and it is the true Intent and Meaning of this Act That all the Laws made against Prophaness and Immorality and for the frequenting of Divine Services on the Lords Day commonly called Sunday shall be still in force and executed against all Persons that offend against the said Laws or shall not resort either to some Church or to some Congregation or Assembly of religious Worship allowed and permitted by this Act

**IX Proviso against Papists, &c.**

Provided likewise That neither this Act nor any Clause Article or Thing herein contained shall extend or be construed to extend to give any Ease Benefit or Advantage to any Papist or Popish Recusant whatsoever or to any Person that shall deny in his preaching or writing the Doctrine of the blessed Trinity

**X Disturbing Congregations so assembled. Sureties for Appearance at Sessions. Penalty £100.**

And if any Person or Persons at any Time after the Twenty fifth Day of March next to come shall willingly and of Purpose maliciously or contemptuously come into any Congregation or Assembly of religious Worship permitted by this Act and disquiet

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or disturb the same or give any Disturbance to the said Congregation at the Doors or Windows or misuse any Minister or Pastor of such Congregation such Person or Persons upon Proof thereof before Two Justices of the Peace by Two or more sufficient Witnesses shall find Two Sureties to be bound by Recognizance in the penal Sum of Fifty Pounds Sterling for his or their Appearance at the next General or Quarter Sessions or before the Court of Justiciary or other Judge or Judges competent and in default of such Sureties shall be committed to Prison and upon Conviction of the said Offence at the said General or Quarter Sessions or before the said Court of Justiciary or other Judge or Judges competent shall forfeit the Sum of One hundred Pounds Sterling one Moiety thereof to the Informer the other to be disposed of for the Use of the Poor of the Parish where such Offence shall be committed

**XI Magistrates forbidding or hindering such Meetings, penalty £100.**

And if the Magistrates of any Town or Place or others pretending to have Authority or Jurisdiction any where in Scotland shall in contempt of this Law forbid or hinder those of the Episcopal Perswasion from meeting or assembling together for Divine Worship in the Places subject to their Jurisdiction or shall shut up or cause to be shut up the Doors of the Houses or other Places where such Episcopal Assemblies are held or intended to be held such Magistrates and others so offending upon Proof thereof before the Court of Justiciary by Two or more sufficient Witnesses shall forfeit the Sum of One hundred Pounds Sterling to be distributed as aforesaid.

**XII No Penalty incurred by Excommunication by Church Judicatories.**

And no Civil Pain or Forfeiture or Disability whatsoever shall be in any ways incurred by any Person or Persons by reason of any Excommunication or Prosecution in order to Excommunication by the Church Judicatories in Scotland and all Civil Magistrates are hereby expressly prohibited and discharged to force or compel any Person or Persons to appear when summoned or to give Obedience to any such Sentence when pronounced Any Law or Custom to the contrary notwithstanding

**XIII** ..... F6

**Textual Amendments**  
F6 S. 13 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. V](#)

**XIV Limitation of Prosecution.**

Provided always That no Minister or Preacher offending herein shall suffer such Penalties or either of them unless he be prosecuted for the same within the Space of Two Months after the Offence is committed.

**Changes to legislation:**

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