

Jul. 5. 86.

Subjects of this Kingdom being beyond sea, the for
lawful ends, may be summoned by the Kings writ Under
the Great seal or Privy seal in fide & ligantia &c. to the horn
into the Kingdom and if they Disobey, their lands and goods
may be seized ^{quo a fine &c.} till they Return ^{habeo ibid. 179}
The case of Lon. Ar. Recant. begins from a petition of William 2 King of England Sir Thomas Roper
for a Bill for proclamation to be made in the Realm without his Consent upon any persons that they
might not stir up force against him; but ready with a design to bring him gain by many means for
their Escape

Chap. 5.

Of Recusancy.

Recusancy and Nonconformity are often Confounded
and signify a Disagreement to the established Church. But
Recusancy is most properly appropriated to Roman Catho-
licks who Refuse or Deny the Kings Supremacy as having
the pope as Supreme head of the Church; and Nonconformity
to Protestant Dissenters who do not Conform to the Church
because of its Discipline and Government. In which
Recusancy is born for a Dissent from the established
Church by Roman Catholics, who own the Pope as
Supreme head of the Church, and are called Recusants

Since the Establishment of the Reformation,
the Legislators both in England and Scotland fearing
the punishment by those of the Romish Church to
boil us, more than any danger from other heretics,
have used Exemplary severity towards the Devils and
Agents of Rome and taken care to Root out of Bri-
tain all Traces of Popery and Prevent its Rising again
to endanger the Government, by putting Papists to
the test of Publick oaths, subjecting them to Civil In-
capacities, Penal Statutes and other legal Disadvan-
tages, and barring them from offices and places
of trust or preferment in the state.

The English Statutes Concerning Popish Re-
cusants, showing what forfeitures & disabilities they
shall be and Inconveniences they are liable to about
all others. 23 Eliz. cap. 1. 35 Eliz. cap. 2. 3. Jul.
cap. 4. 5. 7. Jac. 1. cap. 6. 3. Car. 1. cap. 2. 30. Febr. 2. 8. 2.
cap. 1. 1. W. 3. M. cap. 9. 15. 22. 2. 11. 8. 12. W. 3. cap. 4. 17.

R. 2. cap. 14. 1. G. 1. cap. 35. 1. 1. 3. G. 1. cap. 18.

By the law of Scotland, Papists or persons suspected to be
such are put to the test of Publick oaths and for Discovering
Matters of State not only in a formula of Juratation
from Popery, to be tendered to persons who are
suspected to be papists at 2. febr. 2. 8. 2. Car. 1. K. W. And one
Reputed a priest, Jesuite, or Jesuicking papist, or who
hall changed his name, or your And another Name, or who
is found in any Meeting, where there is either Altar, Mass
book, or Vestments, or papist Images, or other true hold
of Superstition, may, if he refuse the formula of Juratation
from popery, he may be taken to the prison a papist, upon
pain of 1000 l. per. act. 3. febr. 2. 8. 2. Car. 1. K. W. And a Papist that
Refuse to Communicate with a Minister, shall lawfully be
quinted to do it by their pastor, may be fined according to
their quality, viz. an Earl in 1000 pounds, a Lord in 1000 Marks,
a Baron in 500 pounds, a free holder in 300 Marks, a Yeoman
in 100 pounds, and Burgeses and the former of the shire 40
shill. Nor shall it excuse any person from such a fine, that he
shall deadly Renounce in his Mind against his Oath-taking,
and so cannot nor thly be void the sacrament of oaths,
16. G. 6. Because that is his own fault. And Inability to travel
Madness, or the like Incapacity would Excuse, Marked in
obf. on d. Act 17.

2. Roman Catholics are put Under Marys Civil In-
capacities. By the treaty of Union (arted) all papists or papists
Marys Papists are Excluded and Incapable to Inherit
or Enjoy the Crown of great Britain and the separate
Dominions or any part thereof; when it as if they were
Naturally dead, Descends to the next Protestant heir
ving to the provision of the Descent of the Crown of
England Made in the first Year of the Reign of King
William and Queen Mary 2. 1. W. 3. M. 1. 2. cap.
2. 5. 5. 8. 1699. Papists are Excluded from a possibility
of Inheriting the Crown, because they, if true to their own
Religion, cannot but be false to any Engagements they
make