Thereupon

No Persons who have turned, or shall turn from the Popish to the Protestant Religion, shall be deemed a Protestant
x 8 Anne. c 2. ..... within the Intention of this, or the former x Act, or shall take Benefit thereby, notwithstanding such Conv, shall pursuant to his, or s^d former Act, procure the Certificate of the Bp of the Diocese, as is hereby or by the said former Act directed, unless such Persons, shall within the Space of 6 Mo^s after they are 18, receive the Sacrament, & make & Subscribe the declara-
x 30 Car. 2. English Statt. 2. ..... tion, & shall also take the Oath of Abjuration, & shall file in the High Ct of Chancery, or some other of his Maj^s Courts of Dublin Certificates thereof, in like manner, as the Bp^s Certificate is to be filed.

House of Lords 8th 6 & 9th 1767 ..... An Appeal from an Order of the Ct of Exch^r in Ireland, directing an Issue, to try, wh^r Jn Meade the Testator, was from his Age of 12 Years, or from any other, & what time, constantly bred, in the Protestant Religion, or not?

Hobson by his Sp &c
Mead, Clerk.
The Def^s in Chancery v^s Do not appearing to have enrolled the Certificate of the Bp of the Diocese; occasioned the Reversal of this Decree.

Jn Meade the Testator was born in 1684. he by Will, dated 27th Sep^r 1758, devised certain Estates, to his Grand Nephew Godson Mead Hobson; & died 30th Sep^r 1758, Capt: Sam^l Hobson, his Father proves the Will

5 Jan: 1759, The Resp^t the Rev^d Samuel Mead filed a Bill, charging Hobson with the grossest Frauds in obtaining the Will, & the Testator with Insanity; praying a discovery of the Estate, that the Will might be set aside.

22 May 1759 Def^t answered, & denied the Fraud & Insanity.

12 Nov: 1759, Resp^t amended his Bill, by charging other Facts as Evidence of Fraud, & that Testator was bred & continued a Papist after 21, that he attended Mass, & received the Sacrament after the Usage of the Church of Rome. that Testator never read his Re-cantation, or enrolled any Certificates of his Conformity & that as a Constructive Papist, he was incapable, by Will, to dispose of any real Estate.

20 Feb: 1760 Def^t answered the Amendments, asserted the Testator was a Protestant long before 21, & that having from his Mi-nority professed the Protestant Religion, it was not necessary to enroll a Certificate of his Conformity.

as to the Allegation that he had not enrolled the Certificate of the Bp of the Diocese of his Conformity as required by the Statutes 2 Anne c. 6. Sec. 4. & 8 Anne. c 3. Sec. 3. &c It was answered, That the Circumstance of enrolling the Certifi-cate of the Bp of the Diocese, is not applicable to Conformists out of Ireland.

The Enrollment of a Bp^s Certificate is by the Acts required only for particular purposes, viz^t by

2 Anne. c 6. . §4. To make a Popish father Tenant for life .....
8 ..... c 2. . §3 To enable a Protestant Child to a discovery of the Estates of Popish Parents & for other purposes

mentioned in different parts of the said Acts, but not for giving a Convert a Capacity of devising his Estate, & if all Tests prescribed for particular purposes, are required to remove all disabilities imposed on Papists in every part of either Act; a stricter Test will be required to enable a Convert to dwell in a Hovel in the Suburbs of Limerick or Galway, than to qualify a man to hold the highest Trust in Church or State, & that where Converts from Popery have omitted, any one of the Tests, their Heirs need not pay their Creditors, if their Incumbrances, have not been inrolled in the Court of Exchequer.

L^d Camden ..... 2 Feb: 1767. Jt was argued from the Bar on behalf of the Resp^t that the Popery Acts of 2 & 8 Anne. were remedial Laws only, but he was of a diff^t Opinion; for that they were the most rigid, penal, & severe, that ever were known in a free Country; that through the means of an odious Set of Informers in Ireland, Families who for conscience sake, preserved their Religion, were liable to be ousted, by this Set of Men, from their Inheritances, (which they, their Ancestors were in possession of for Centuries) & they, their Families sent to starve; & therefore hoped their L^ds^ps would never encourage the execution of such penal Laws; J wish, as J am sure, all your L^ds^ps do, that no Act had ever passed since the Reign of Hen: 8 to force Men's Consciences; those Acts have made more Men Heathens, than Christians, & tho, some externally comply, with these penal Laws yet they remain Catholics, in their Hearts.

In the course of my little Experience, J have often lamented the fatal Consequences, wch have resulted from these penal Laws, as well as from the Abuse of them, by this odious Set of Men, above mentioned, who put them in Execution, not for conscience sake, but to enrich themselves by the Impoverishment of their fellow Creatures.

It is high time your L^ds^ps Justice sh: interpose; these penal Laws, were, (for ought J know) made, at a time when there might be some reason for it, wch no Man has ever yet been able to account for, nor indeed in the way they are penned, are they intelligible; the Construction wch the Appell^ts Counsel put upon these Laws, by inverting the Sentences in the Acts, is the true one, for as they now stand, they seem to be mere Nonsense, & serve only, to ruin more than one half of the Kings Sub-jects in the Country where they prevail. It is a lamentable Circumstance in a free Country, to force any Sect of Christians to alter their Consciences; It may do under arbitrary, despotic Princes, but J hope it will never prevail under this free Government.

In the present Case, the Evidence is contradictory with respect to the Testator's Religion, till 1711, when he was about 23 years old, at which period of Time, & scarcely before, he had Capacity to distinguish, between the Goodness, Bad-ness of any Religion. It appears in evidence, that he was before that time, a Student in the Temple, & at 23 years old, called to the Bar in Ireland, & from that Time, to the Hour of his death, he was an undoubted Protestant, by doing every Act, & performing every Requisite pre-scribed by these penal Laws, except that of filing a Certificate, which by Length of Time your L^ds^ps will presume, was done, tho, it is little material, being mere matter of form, whether it was or not. & J never had an Idea, that filing a Certificate made a good or bad Christian.

The Resp^t in the present Case has founded his Title upon the Gaveling Clause of 2 Anne Sect: 12. wch enacts &c as has been stated to your L^ds^ps from the Bar, & J am inclined to think, tho, J give no positive Opinion, because it is not now necessary, for the decision of the Point before your L^ds^ps, that the Estate in question, is not within the meaning or intention of that Clause; & if it was, a Devise by a Papist to a Protestant, is not contrary to the Spirit or design