

Secondly, The Statute of 35 *El. 1.* is Temporary to the end of the next Session of Parliament, when it might have expired, had not some clamorous persons enormities revived it: But the Statute of 35 *El. 2.* is perpetual.

Thirdly, No married Women are punishable by 35 *El. 1.* but are thereof excepted; but by 35 *El. 1.* married Women are declared to be within all Branches and Penalties of it, but Abjuration.

1 El. 2. The Matter of Recusancy stands in two particulars, first, Absenting ^{§.7.} from the Church; secondly, Refusing the Oath prescribed by *1 El. 1.* and ^{Two points of Recusancy.} *3 Jac. 4.*

All and every person; inhabiting within this Realm, or other the Kings Dominions, shall (having no reasonable excuse to be absent) endeavour themselves to resort to their Parish Chappel accustomed, or upon reasonable Let thereof, to some usual place where Common Prayer, and such Service of God shall be used in such time of Let, upon every Sunday and Holiday, and there remain orderly and soberly, during the time of Common Prayer, Preaching and Service, upon pain of punishment by the Censures of the Church; and to pay for every offence *12 d.* to be levied by the Churchwardens, to the use of the Poor by Distress. ^{§.8. Absence from Church.}

23 El. 1. The Statute of 23 *Eliz. 1.* saith, That every person of 16 years of age, which shall not repair to some Church, Chappel, or usual place of Common Prayer, but forbear the same contrary to *1 El. 2.* And being thereof lawfully convicted, shall forfeit for every month *20 l. &c.*

If any Subject shall not resort to Church, Chappel, or other place appointed, &c. every Sunday, and hear Divine Service, according to *1 El. 2.* One Justice, upon Confession or Oath of Witness, shall call the party before him; and if he can make no excuse, the Justice shall give a Warrant to the Churchwardens to levy *12 d.* for every default, by Distress; and if no Distress, to commit him till payment, *3 Jac. 4.* - So as the party be impeached within one month.

Godbolt.
Rep. 148.

1. Note, that in an Indictment upon *1 El. 2.* it need not be averred, ^{Cases thereupon.} That the offender was an inhabitant; for that ought to come of the other side. See *Anne Mannocks Case. M. 3 Jac. 1.*

2. Note, where the Statute of 23 *El. 1.* says, being thereof convicted, does not intend a former Conviction, but a Conviction in the same Action; as is resolved in *Dr. Fosters Case.*

Moore
Rep. 606.

3. Note, where the Statute says 23 *El.* Every person of sixteen years, &c. an Indictment that saith, *Quod A. B. de, &c. Existens Ætat. 16. Annorum, &c.* This *Existens* shall go to the time of the offence, and not to the time of the Indictment. *Talbots Case.*

Bull. 3.
p. 87.
Hob. p.
179.

4. Note, *Feme Coverts* are within the Statutes of *1 El. 2.* & *23 El. 1.* touching all the Penalties for absence from the Church, and an Indictment lies against the Husband for the same, as was resolved in *Laws Case. P. 13 Jac.*

Co. 11. 91.
& 63.

5. Note also, that the penalty of *12 d.* a Sunday, by *1 El. 2.* & *3 Jac. 4.* and of *20 l. per mensem,* by 23 *El. 1.* shall be both paid.

6. Note, the Statute of *1 El. 2.* extends to Holidays as well as Sundays; but the Statutes of 23 *El. 1.* & *3 Jac. 4.* extend only to Sundays.

7. Note also, this repairing to Church every Sunday, must be as well to Evening Prayers, as to Morning Prayers; for it ought