

1772. " of the Old and New Testaments to be given by divine inspiration, " and, when lawfully required, shall profess and declare that they " will live peaceably under the civil government, shall in any case " be molested or prejudiced for his or her conscientious persuasion, " but shall freely and fully enjoy his or her christian liberty, in all " respects, without molestation or interruption." And whereas many of the Protestant inhabitants of this province, who make the said professions of religion, and live peaceably under the government thereof, cannot, for conscience sake, take an oath in the common form, by laying the hand upon and kissing the book, when thereto legally required, some of whom, by reason thereof, have suffered imprisonment, and yet do not scruple to take an oath in the manner and form herein after specified: And forasmuch as justice cannot be well administered in many cases without their assistance, *Be it therefore enacted*, That all and all manner of crimes, offences, matters, causes and things whatsoever, to be enquired of, heard, tried and determined, or done or performed, by virtue of any law in this province, or otherwise, shall and may be inquired of, heard, tried and determined, by Judges, Justices, witnesses and inquest, and all other persons qualifying themselves, according to their conscientious persuasions respectively, either by taking the solemn affirmation, or any oath in the usual and common form, by laying the hand upon and kissing the book, or by lifting up the right hand, and pronouncing or assenting to the following words: *I, A. B. do swear by Almighty God, the searcher of all hearts, that I will*

Persons qualifying according to their conscientious persuasions to have the effect of an oath.

and that as I shall answer to God at the great day. Which oath, so taken by persons who conscientiously refuse to take an oath in the common form, shall be deemed and taken in law to have the same effect with an oath taken in the common form.

Penalty on taking a false oath.

II. *And be it further enacted*, That if any person or persons shall be legally convicted of taking a false oath, in the form herein particularly prescribed, every such person or persons so offending shall incur and suffer the same pains, penalties, disabilities and forfeitures, as persons convicted of wilful and corrupt perjury do incur and suffer by the laws of Great-Britain.

III. *Provided always, nevertheless*, That nothing in this act contained shall be held, deemed or construed, to extend to enable any such person or persons to receive, take or exercise any office, judicial or ministerial, before he or they shall take the oath or oaths to the government usually taken by such officers, before they enter upon the duties of their offices, in the form herein before particularly prescribed.

Passed 21st March, 1772.—Recorded A. vol. V. page 502.

CHAPTER DCLXII.

A SUPPLEMENT to the act, entitled. An Act against adultery and fornication.

Ante, pa. 27. Chap. 122.

WHEREAS in and by the act of General Assembly, to which this act is a supplement, one moiety of the fines imposed on per-

sons convicted of adultery, is given and declared to be to the use of the Governor, and the other moiety to the use of the poor; but inasmuch as it is not ascertained, by the said act, to the use of what particular poor the same moiety is intended to be applied, doubts have arisen, and the Sheriffs of several counties within this province have detained in their hands, and still detain the said moiety, for want of proper persons to discharge them, upon payment thereof: For the removal of which doubts, *Be it enacted*, That one moiety of all fines, imposed on persons convicted of adultery in and by virtue of the said act, and received by any Sheriff within this province, before the publication hereof, shall be paid to the Overseers of the poor of the city, district or township, where the offender did reside at the time of committing the fact, to the use of the poor thereof; and that one moiety of all fines, which shall hereafter be imposed on any person convicted of the said offence, by virtue of the said act, shall be to and for the use of the Governor of this province, for the time being,* and the other moiety to the Overseers of the poor of the city, district or township, where the offender shall reside at the time of committing the fact, to the use of the poor thereof, any thing in the said act to the contrary notwithstanding.

1772.

Manner of appropriating fines for adultery.

* Now for the use of the commonwealth.

Passed 21st March, 1772.—Recorded A. vol. V. page 521.

CHAPTER DCLXV.

An ACT to enable the owners of the lands, called The Pigeon Swamp, in the township of Bristol, in the county of Bucks, to dig, maintain, and keep open, a ditch through the said swamp, and to raise money to defray the expense thereof.

Passed 21st March, 1772.—Private Act.—Recorded A. vol. V. page 512.

CHAPTER DCLXIX.

An ACT for prevention of frauds and perjuries.

FOR prevention of fraudulent practices, perjuries, and subornation of perjuries, *Be it enacted*, That from and after the tenth day of April, one thousand seven hundred and seventy-two, all leases, estates, interests of freehold, or term of years, or any uncertain interest, of, in, or out of any messuages, manors, lands, tenements or hereditaments, made or created by livery and seisin only, or by parol, and not put in writing, and signed by the parties so making or creating the same, or their agents, thereunto lawfully authorized by writing, shall have the force and effect of leases or estates at will only, and shall not, either in law or equity, be deemed or taken to have any other or greater force or effect, any consideration for making any such parol leases or estates, or any former law or usage to the contrary, notwithstanding; except, nevertheless, all leases not exceeding the term of three years from the

Parol leases, &c. nor put in writing, and signed by the parties to have the effect of leases at will only, &c.