

CHAPTER CCLXXXI.

AN ACT PRESCRIBING THE FORMS OF DECLARATION OF FIDELITY, ABJURATION AND AFFIRMATION, INSTEAD OF THE FORMS HERETOFORE REQUIRED IN SUCH CASES.

Whereas divers statutes having been made concerning the affirmations or declarations allowed instead of oaths to the people called Quakers, but the inconveniencies to them and others (requiring their testimony and service in many cases) not being sufficiently avoided, by reason of difficulties which happened relating to the forms of the declaration, affirmation and abjuration prescribed by the said statutes, it pleased the King and parliament of Great Britain by another statute (made in the eighth year of the King's reign) to grant further ease and relief in that behalf, by enacting other forms of affirmation or declaration for the said people. Now forasmuch as the legislature of Great Britain, upon five-and-twenty years' experience, were pleased to acknowledge in the said statute of the eighth of King George, that the said people called Quakers had given testimony of their fidelity and affection to His Majesty, and the settlement of the Crown in the Protestant line, and had not abused the liberty and indulgence allowed them by law; and since the like testimony may be given concerning the said people inhabiting this province, and that those that conscientiously scruple the forms of the affirmation or declaration heretofore used, are persons of like probity and justice with those who were not under that scruple, and should be obliged to bear the burden of government, and serve their country as well as their neighbors, it would [be] reasonable to put them in a capacity so to do. May it therefore please the governor that it may be enacted:

[Section I.] And be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same,

That in all cases where by law any of the said people called Quakers is [sic] or shall be required or permitted to make and subscribe the declaration of fidelity, in the form prescribed by the statute made in the first year of the late King William and Queen Mary, entitled "An act for exempting their Majesty's Protestant subjects, dissenting from the Church of England, from the penalties of certain laws;" or in the form prescribed by any law of this province; or to make the solemn affirmation or declaration in the form prescribed by a statute made in the seventh and eighth years of the said late King William, entitled "An act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath in the usual form;" or in the form prescribed by any law of this province; or to take the effect of the abjuration oath in the form prescribed by a statute made in the first year of the present King's reign; every such Quaker shall, instead of such first-mentioned declaration of fidelity, make and subscribe a declaration of fidelity in the following words, viz.:

I, A. B., do solemnly and sincerely promise and declare that I will be true and faithful to King George; and do solemnly, sincerely and truly profess, testify and declare that I do from my heart, abhor, detest and renounce, as impious and heretical, that wicked doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, State or potentate hath, or ought to have, any power, jurisdiction, superiority, pre-eminence or authority, ecclesiastical or spiritual, within the realm of Great Britain, or the dominions thereunto belonging.

And instead of the solemn affirmation or declaration, in the form prescribed by the said act of the seventh and eighth years of the reign of the late King William the Third, and by a law of this province, made in the first year of King George, every such Quaker shall make the following solemn declaration or affirmation, to be administered by a question put as followeth, viz.:

Dost thou, A. B., solemnly, sincerely and truly, declare and affirm?

Adding the proper words; which the affirmant is to answer

or assent unto, according as the case or occasion may require; which said assent shall be expressed by the affirmant's answering "Yea" or "Yes."

And instead of the form prescribed by the said act of the first year of the present King's reign, for the effect of the abjuration oath, every such Quaker shall take the effect thereof in the following words, viz.:

I, A. B., do solemnly, sincerely and truly acknowledge, profess, testify and declare that King George is lawful and rightful King of the realm of Great Britain, and of all other his dominions and countries thereunto belonging; and I do solemnly and sincerely declare that I do believe the person pretending to be the Prince of Wales, during the life of the late King James, and since his decease pretending to be and taking upon himself the style and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the style and title of King of Great Britain, hath not any right or title whatsoever to the crown of the realm of Great Britain, nor any other the dominions thereunto belonging, and I do renounce and refuse any allegiance or obedience to him. And I do solemnly promise, that I will be true and faithful and bear true allegiance to King George, and to him will be faithful against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown and dignity. And I will do my best endeavor to disclose and make known to King George, and his successors, all treasons and traitorous conspiracies, which I shall know to be made against him, or any of them. And I will be true and faithful to the succession of the crown, against him the said James, and all other persons whatsoever, as the same is and stands settled by an act entitled "An act declaring the rights and liberties of the subject, and settling the succession of the crown to the late Queen Anne, and the heirs of her body, being Protestants; and as the same by one other act entitled "An act for the further limitation of the crown, and better securing the rights and liberties of the subject," is and stands settled and entailed after the decease of the said late Queen, and for default of issue of the said late Queen, to the late Princess Sophia, Electoress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge, promise and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation,

mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, renunciation and promise, heartily, willingly and truly.

And all persons authorized or required to administer or tender either the said former declaration of fidelity, or the said former solemn affirmation or declaration, or the former effect of the abjuration oath aforesaid, shall be and are hereby authorized and required to administer and tender the same respectively to the said people called Quakers, in the words by this act respectively appointed.

[Section II.] And be it further enacted by the authority aforesaid, That the declaration of fidelity, and the effect of the abjuration oath, appointed by this act for the said people called Quakers, instead of the respective forms prescribed for the same by the above-mentioned acts, shall respectively be adjudged and taken to be of such and the same force and effect, and no other, to all intents and purposes, in all courts of justice and elsewhere, as if such Quaker had made and subscribed the declaration of fidelity, or had taken the effect of the abjuration oath, in the respective forms appointed by the said-recited acts.

And that the affirmation or declaration, by this act appointed to be made, instead of the affirmation or declaration in form prescribed by the said act of the seventh and eighth years of the reign of the late King William the Third, and instead of the form prescribed by the said law of this province, made in the first year of the present King's reign, shall be made by the said people called Quakers, as occasion may require, whether it be for giving evidence, or for qualifying the affirmants to serve in general assemblies, or to be justices, officers, inquests or jurymen, or for any other matter, cause or thing whatsoever, wherein oaths are or shall be required. And that the said affirmation or declaration, by this act prescribed, shall be adjudged and taken, and is hereby enacted and declared to be of the same force, and as available in law, to all intents and purposes, as an oath, in all courts of justice, and other places where by law an oath is required.

And if any person making such affirmation or declaration, as is appointed by this act to be made, instead of the affirmation

in the form prescribed by the aforesaid act of the seventh and eighth years of [the reign of the] late King William the Third, and instead of the form prescribed by our said law, made in the first year of King George's reign, shall be lawfully convicted of wilful, false and corrupt affirming or declaring any matter or thing, which, if sworn in the common or usual form, would have amounted to wilful and corrupt perjury, every such person, so offending, shall incur and suffer such and the same pains, penalties and forfeitures as are inflicted or enacted by the laws and statutes of England against persons convicted of wilful and corrupt perjury.

Provided always, That nothing herein contained shall be deemed to repeal or disannul the law of this province passed in the fourth year of the King's reign that now is entitled "An act for the advancement of justice, and more certain administration thereof,"¹ except such part thereof concerning which other provision is made by this act.

Provided also, That this present act shall not be put in execution until the King's pleasure be known concerning the same.

[Section III.] Nevertheless it is hereby enacted and declared, That the said statute, made in the eighth year of the present King's reign, entitled "An act for granting the people called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under," shall be duly observed and put in execution in this province, and be of like force and effect as it is in England, and as if the same were here repeated and enacted.

Passed May 9, 1724. Confirmed by the King in Council March 27, 1725. See Appendix VI, Section I, and the Act of Assembly passed May 19, 1739, Chapter 351. Repealed by Act passed January 28, 1777, Chapter 737.

¹ Passed May 31, 1718, Chapter 236.

