

## CHAPTER DCLX.

AN ACT FOR THE RELIEF OF SUCH PERSONS AS CONSCIENTIOUSLY  
SCRUPLE THE TAKING OF AN OATH IN THE COMMON FORM.

Whereas it is enacted and declared in and by the act of general assembly passed in the twelfth and thirteenth years of His Majesty William the Third, entitled "An act concerning liberty of conscience,"<sup>1</sup> "That no person dwelling or residing within this province who shall profess faith in God the Father and in Jesus Christ his only Son and in the Holy Spirit, one God blessed for evermore, and shall acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine inspiration, and when lawfully required shall profess and declare that they will live peaceably under the civil government, shall not 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 hereinafter specified:

And forasmuch as justice cannot be well administered in many cases without their assistance:

[Section I.] Be it therefore enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all and all manner of crimes, offenses,

<sup>1</sup> January 12, 1705-6, Chapter 115.

matters, causes and things whatsoever to be inquired 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 an 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

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.

[Section II.] And be it further enacted by the authority aforesaid, 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 willful and corrupt perjury do incur and suffer by the laws of Great Britain.

[Section 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 hereinbefore particularly prescribed.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX, and the notes to the Acts of Assembly passed February 28, 1710-11, Chapter 171; May 28, 1715, Chapter 204; May 31, 1718, Chapter 236; and the Acts of Assembly passed April 3, 1804, P. L. 513; (the two Acts of Assembly passed) March 31, 1860, P. L. 382, 427; April 3, 1895, P. L. 32.