

## CHAPTER CCIV.

AN AFFIRMATION ACT FOR SUCH WHO FOR CONSCIENCE' SAKE CANNOT TAKE AN OATH.<sup>1</sup>

Whereas the governor-in-chief and greatest part of the inhabitants, freeholders and first settlers of this colony being of the people commonly called Quakers, who for conscience' sake could neither take nor administer an oath, it was found necessary to provide laws suitable in that case, for the better administration of justice, which laws whilst in force proved effectual. But being now destitute of any such provision, by reason of our late gracious Queen's repeal of divers laws of this province relating thereunto, an entire failure of judicial proceedings hath happened, which if not speedily remedied, we conceive, may prove of ill consequence to his Majesty's subjects here. And considering the major part of the inhabitants and freeholders of this province are religiously principled against taking or administering an oath, and if so considerable a number are left incapable of serving their King and country, either in the administration of justice or serving on juries, too great a burden will [fall on] those who can take and administer oaths. And if evidence cannot be given or taken without oaths, the greatest offenders in this province, may escape with impunity; therefore we humbly desire:

[Section I.] That it may be enacted, and be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 from henceforth all persons who shall be required upon any lawful occasion to give evidence in any case whatsoever, or to take their qualifications [to serve] as magistrates, officers or jurymen; and shall, for conscience' sake, refuse to take an oath,

<sup>1</sup> See Act of February 28, 1710-11, Chapter 171.

but shall be willing, instead thereof, to declare their assent to the effect or purport of it on their solemn affirmation, according to [the] form and manner hereinafter prescribed, shall be allowed so to do; [and that the] form of such solemn affirmations, and the manner of administering the same, shall be by a question put as followeth, viz.:

Dost thou declare in the presence of Almighty God, the witness of the truth of what thou sayest?

adding the proper words which the affirmant is to answer or assent unto according as the case or occasion may require, whether it be for giving evidence or for qualifying the affirmants to serve as judges, justices, magistrates, inquests or jurymen, or for any other matter, cause or thing whatsoever wherein oaths are or shall be required; which said assent shall be expressed by the affirmant's answering "Yea" or "Yes."

And that the said solemn affirmation 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 the laws of Great Britain, an oath is required.

[Section II.] And be it further enacted by the authority aforesaid, That if any person or persons taking such solemn affirmation shall be lawfully convicted of willfully, falsely and corruptly affirming or declaring any matter, cause or thing, which, if the same had been upon oath, would have amounted by the laws and [statutes] of Great Britain to willful and corrupt perjury, every such person so offending [shall] incur the same penalties and forfeitures as, by the said laws and statutes, are enacted against persons legally convicted of willful and corrupt perjury, and shall forever after be incapable of bearing any office or giving evidence in any court or before any judicial authority in this province.

Passed May 28, 1715. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Lords Justices in Council July 21, 1719, and not acted upon. See Appendix IV, Section II, and the Acts of Assembly passed May 28, 1715, Chapter 209; May 31, 1718, Chapter 236; May 9, 1724, Chapter 281; May 19, 1739, Chapter 351; February 3, 1742-43, Chapter 359; March 21, 1772, Chapter 660; April 3, 1804, P. L. 513; April 23, 1829, P. L. 341; March 31, 1860, P. L. 382; April 3, 1895, P. L. 32.