

A C T S

OF THE

General Assembly of Pennsylvania:

JOHN EVANS,
LIEUTENANT GOVERNOR.

1700.

Laws passed at a Session begun and held, October 14th, 1705,
and ended February 12th, 1706.

CHAPTER CXV.

The LAW concerning liberty of conscience. (p)

ALMIGHTY GOD being only **LORD** of conscience, author of all divine knowledge, faith and worship, who can only enlighten the minds, and convince the understanding of people; in due reverence to his sovereignty over the souls of mankind; and the better to unite the Queen's christian subjects in interest and affection, *Be it enacted*, That no person now, or at any time hereafter, 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 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, nor shall he or she be at any time compelled to frequent or maintain any religious worship-place or ministry whatsoever, contrary to his or her mind, but shall freely and fully enjoy his or her christian liberty in all respects, without molestation or interruption.

Liberty of conscience, and of religious worship, to whom allowed.

Passed in 1705.—Recorded A. vol. I. page 139.

(p) By the third section of the act for the advancement of justice, passed May 31, 1718, (post. chap. 236,) a solemn affirmation is declared to have the effect of an oath in all cases, criminal as well as civil; and by an act passed on the 21st of March, 1772, (post. chap. 660,) this operation is extended to an attesta-

tion; made in any form of oath, according to the conscientious persuasion of the party.

When the revolution was accomplished, the rights of conscience were asserted, among the fundamental principles of the constitution which was adopted on the 18th of September, 1776,

in the following emphatical language: "That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought, or of right can be, compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner control, the right of conscience in the free exercise of religious worship."

The existing constitution has adopted the same enlightened sentiment in nearly similar words: "That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments, or modes of worship."

1705.

The 2d article of amendment to the Federal Constitution, likewise declares, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." (*Note to former edition.*)

CHAPTER CXIX.

An ACT to restrain people from labour on the first day of the week.

IV. *AND be it further enacted,* That no person or persons, upon the first day of the week, shall serve or execute, or cause to be served or executed, any writ, precept, warrant, order, judgment or decree, except in cases of treason, felony, or breach of the peace; but that the serving of any such writ, precept, warrant, order, judgment or decree, shall be void, to all intents and purposes whatsoever; and the person or persons so serving or executing the same, shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, precept, warrant, order, judgment or decree at all.

No process to be served on Sunday, except for treason, felony, or breach of the peace.

V. *And be it further enacted,* That all persons who are found drinking and tippling in ale-houses, taverns, or other public house or place, on the first day of the week, commonly called Sunday, or any part thereof, shall, for every offence, forfeit and pay one shilling and sixpence, to any constable that shall demand the same, to the use of the poor: And all constables are hereby impowered, and by virtue of their office required, to search public houses and places suspected to entertain such tipplers, and them, when found, quietly to disperse; but in case of refusal, to bring the persons so refusing before the next Justice of the Peace, who may commit such offenders to the stocks, or bind them to their good behaviour, as to him shall seem requisite. And the keepers of such ale-houses, taverns, or other public house or place, as shall countenance or tolerate any such practices, being convicted thereof, by the view of a single magistrate, his own confession, or the proof of one or more credible witnesses,

Penalty on persons who sit tippling in taverns on Sunday.

And on inn-holders, &c. suffering the same.