

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 innholders, &c. suffering the same.

1705. shall, for every offence, forfeit and pay ten shillings, to be recovered as and for the uses abovesaid.

Passed in 1705.—Recorded A. vol. I. page 142. (q)

(q) The 1st, 2d, 3d, and 6th sections of this act, relating to performing worldly business on Sunday, are supplied by the 1st section of the act for prevention of vice and immorality, &c. passed April 22d, 1794, (post chap. 1746,) which enacts, that if any person shall do or perform any worldly employment or business whatsoever, on the Lord's day, commonly called Sunday, works of necessity or charity only excepted, or shall use or practise any unlawful game, hunting, shooting, sport or diversion whatsoever, on the same day, and be convicted thereof, every such person, so offending, shall, for every such offence, forfeit and pay four dollars, to be levied by distress; or in case he or she shall refuse or neglect to pay said sum, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall suffer six days imprisonment in the house of correction of the proper county; *provided always*, that nothing herein contained shall be construed to prohibit the dressing of victuals

in private families, bake houses, lodging houses, inns, and other houses of entertainment, for the use of sojourners, travellers or strangers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk, or the necessaries of life, before nine of the clock in the forenoon, nor after five o'clock in the afternoon of the same day.

By the act of March 25th, 1805, (post chap. 2568,) the select and common councils of Philadelphia, the corporation of Southwark, and the incorporated part of the Northern Liberties are authorized to pass ordinances to regulate the Sunday markets in the said city and districts; and the act of 1794, so far as on this head, it respects the said city and districts, is repealed.

See the form of the conviction in the 4th section of the act of 1794.

## CHAPTER CXXI.

### *An ACT against incest.*

**FOR** the preventing of incestuous marriages within this province, *Be it enacted*, That all marriages hereafter made, being within the degrees of consanguinity or affinity according to the following table, are hereby declared to be void, to all intents and purposes, and it shall and may be lawful for the Governor for the time being to grant a divorce from the bonds of matrimony, and the parties shall be fined to the value of one third part of their estates.

**II.** And if any person or persons shall be convicted of incestuous fornication or adultery, he, she or they, so convicted, shall suffer such punishments as are by law against fornication and adultery, and be fined to the value of one third part of their estates, to be paid to the Proprietary and Governor, for the time being, for the support of government, and defraying the contingent charges thereof.

Incestuous marriages to be void and finable.

Penalty on incestuous fornicators, &c.