

The COPY of an Act lately pass'd in *Carolina*, and sent over to be confirm'd here by the Lord *Granville*, Palatine, and the rest of the Lords Proprietors of the said Colony; which would be highly prejudicial to Her Majesty's Interests, destructive to that Colony, discouraging to Trade, and a dangerous Precedent to the other Plantations: As may appear by the Act itself, and some Queries thereupon.

*An Act for the more effectual Preservation of the Government of this Province, by requiring all Persons that shall hereafter be chosen Members of the Commons House of Assembly, and sit in the same, to take the Oaths and subscribe the Declaration appointed by this Act; and to conform to the Religious Worship in this Province, according to the Church of England; and to receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the said Church.*

**A**S nothing is more contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of *England*, than Persecution for Conscience only, *Nevertheless,*

Whereas it hath been found by Experience, that the Admitting of Persons of different Perswasions and Interest in Matters of Religion, to sit and vote in the Commons House of Assembly, hath often caused great Contentions and Animosities in this Province, and hath very much

obstructed the Publick Business; and whereas by the Laws and Usage of *England*, all Members of Parliament are obliged to conform to the Church of *England*, by receiving the Sacrament of the Lord's Supper, according to the Rites of the said Church.

Be it therefore enacted, by his Excellency *John*, Lord *Granville*, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at *Charles-Town*, for the South-West Part of this Province, and by the Authority of this same, That every Person that after the Ratification of this Act, shall be chosen a Member of the Commons House of Assembly that hath not, within the Space of Twelve Months before such his Election, receiv'd the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, as establish'd by Law, such Person after his Election, and before he be permitted to sit and vote in the said House, shall receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, in some Publick Church, upon some Lord's Day, commonly called *Sunday*, immediately after Divine Service and Sermon; and every of the said Persons, in open Assembly, in a full House duly sitting, with their *Speaker* in his Chair, shall deliver a Certificate of such his receiving of the said Sacrament as aforesaid, under the Hand of the respective Minister, or shall make Proof of the Truth thereof by Two credible Witnesses at least upon Oath.

But whereas some Persons scetuple the Receiving the Sacrament of the Lord's Supper, by reason they fear they are not rightly fitted and prepared to partake of that Ordinance, who do nevertheless out of real Choice conform to the Church of *England*, as establish'd by Law, and do sincerely profess the Same, and do not abstain from the Sacrament of the Lord's Supper out of any Disslike to the

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Manner and Form of the Administration thereof, as used by the Church of *England*, and prescribed in the Communion-Office, in the Book of the Common-Prayer of the said Church.

Be it therefore enacted by the Authority aforesaid, That every Person that after the Ratification of this Act shall be chosen a Member of the Commons House of Assembly in this Province, in case he hath not received the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, as is before prescribed by this Act, then every such Person before he vote in the said Commons House of Assembly, or sit there during any Debate in the said House, after their *Speaker* is chosen, shall upon his Oath taken on the *Holy Evangelists*, declare, That he is of the Profession of the Church of *England*, as establish'd by Law; and, that he doth not abstain from the Sacrament of the Lord's Supper out of any Disslike to the Manner and Form of the Administration thereof, as used by the said Church of *England*, and as it is prescribed in the Communion-Office, in the Book of Common-Prayer of the said Church; and that he is not, nor for One Year past, hath not been in Communion with any Church or Congregation that doth not conform to the said Church of *England*, nor receiv'd the Sacrament of the Lord's Supper in such Congregation; and that as a Member of this the Commons House of Assembly, he will endeavour the Good and Welfare of the said Church of *England*, as establish'd by Law, which said Oath or Declaration of Conformity to the Church of *England*, shall be in the Form herein set down and prescribed (that is to say) *I. A. B.* ' Do solemnly and sincerely, in the Presence of God, profess, testify and declare, That I am of the Profession of the Church of *England*, as establish'd by Law; and that I do conform to the Same, and usually frequent the said Church for the publick Worship of God; and that I do not abstain from the Sacrament of the Lord's Supper, out of any,

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any Dislike to the Manner and Form of the Administration thereof, as used by the said Church of *England*, and as it is prescribed in the Communion-Office, in the Book of Common-Prayer of the said Church; and that I am not, nor for One Year past, have not been in Communion with any Church or Congregation that doth not conform to the said Church of *England*, nor received the Sacrament of the Lord's Supper in such Congregation; and that as a Member of this House of Assembly, I will endeavour the Good and Welfare of the said Church of *England*, as established by Law: So help me God. — Which said Oath or Declaration of Conformity shall be solemnly and publicly made and subscribed by every Member of the said Commons House of Assembly (that doth not produce a Certificate or other Proof of his having received the Sacrament of the Lord's Supper, as before prescribed by this Act) between the Hours of Nine in the Morning, and Four in the Afternoon, at the Table in the said House, and whilst a full House is sitting with their *Speaker* in his Chair: And every such Person that shall upon Oath make and subscribe such Declaration of Conformity to the Church of *England*, is hereby declared to be sufficiently qualified to be a Member of the Commons House of Assembly, as if he had received the Sacrament of the Lord's Supper according to the Usage of the Church of *England*, as is above prescribed by this Act.

And be it further enacted by the Authority aforesaid, That all Persons that after the Ratification of this Act shall be chosen Members of the General Assembly before they vote in the Commons House of Assembly, or sit there during any Debate in the said House of Commons, after their *Speaker* is chosen, shall on the holy Evangelists take the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy by one Act of Parliament, made in the First Year of the Reign of the late King *William* and *Queen Mary*, entitled, An Act for the Abrogating

gating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, and shall make and subscribe the Declaration appointed to be made and subscribed in the Act made in the Thirtieth Year of the Reign of the late King *Charles* the Second, entitled, An Act for the more effectual Preserving the King's Person and Government, by disabling Papists from sitting in either Houses of Parliament. And shall also take the Oath appointed to be taken by one Act of Parliament made in the First Year of the Reign of Her present Majesty, entitled, An Act to declare the Alterations in the Oath appointed to be taken by the Act, entitled, An Act for the further Security of Her Majesty's Person, and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined: Which Oaths and Declaration in every succeeding Assembly shall be solemnly and publicly made and subscribed betwixt the Hours of Nine in the Morning and Four in the Afternoon by every Member of the said Assembly, at the Table of the said House, and whilst a full House is sitting, with their *Speaker* in his Chair.

And be it further enacted by the Authority aforesaid, That if any Person, that shall hereafter be elected a Member of the Commons House of Assembly, shall presume to sit and vote in the said Commons House after their *Speaker* is chosen, before he hath received the Sacrament of the Lord's Supper, according to the Rites and Usage of the said Church of *England*, or upon Oath made and subscribed such Declaration of Conformity to the Church of *England* as is prescribed by this Act, and hath also taken the Oaths, and made and subscribed the Declaration, as required by this Act; every Person so offending shall forfeit for the first time he shall so fit the Sum of Fifty Pounds current Money of this Province; and for every Day

Day after that he shall so fit, the Sum of Ten Pounds, the one Half to the Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, to be paid to the Publick Receiver of this Province, and for the Support of the Government of this Province, and the continuing Charges thereof to be disposed of by Ordinance of the General Assembly; and the other Half to him or them that shall sue for the same within Six Months after the Offence committed, by Action of Debt, Suit, Bill, Plaint, or Information in any Court of Record in this Province, wherein no Effoign, Protection, Privilege, Injunction, or Wager of Law, or Stay of Prosecution, by *Non ruls alterius prosequi*, or otherwise, shall be admitted or allowed.

And be it further enacted by the Authority aforesaid, That in case any Person shall be return'd a Member of the Commons House of Assembly, who shall refuse to qualifie himself as required by this Act, and so cannot be permitted to sit and vote in the said House, that then and in such Case it shall be lawful for those Members of Assembly, that are qualified to sit and vote in the said House of Assembly, to order the Sheriff of the County to lay the Poll or List of the several Candidates, and the Numbers of them that voted for each of the Candidates, and admit that Person or Persons, that hath the greatest Number of Votes next to them, Members that were return'd to sit and vote as a Member or Members of the said Commons House of Assembly, provided they do qualifie themselves as is above directed by this Act: And in case there is not a sufficient Number of the other Candidates, that are qualified, as aforesaid, to fill up the Vacancies, that then a new Writ shall be slijed out for such Number as is so wanting.

Read Three times, and ratified in open Assembly, the Sixth Day of May, Anno Domini, 1704.

N. Johnson, Tho. Broughton, Sr. Moore,  
Rob. Gibbs, Henry Noble, Nicholas Witt.

QUERIES

QUERIES upon the foregoing ACT.

- Q. 1. **W**Hether the true Reasons for making this Act were not such as could not bear the Light; when as those assign'd in it are Two manifest Fallhoods? *viz.* That it hath been found by Experience, &c. and that by the *Laws and Usage of England*, &c.
2. Whether what there has been of Contentions, and Animofities upon Civil Accounts, to the Obstruction of Publick Business in *Carolina*, were not owing to Some, who have been the principal Contrivers, or Promoters of this Act?
3. Whether the Hardships it would put upon more than Two Thirds of the People in *Carolina*, would not certainly caule greater Animofities, and Obstructions to Publick Business, than any it can pretend to cure, or prevent?
4. Were it as true, as it is false, that by the *Laws and Usage of England*, all *Members of Parliament* are obliged to conform to the Ch. of E. by receiving the Sacrament of the *Lord's Supper*, according to the *Rites of the said Church*: Yet where is the Consequence, that therefore it ought to be so in *Carolina*, where Circumstances are so vastly differing? But then,
5. Whether it be not highly absurd and ridiculous, that therefore the Members there shall upon Oath pretend to Conformity without their so receiving, and give the like publick Assurance that they have, at least for the whole Year foregoing, liv'd in the utter Neglect of that Ordinance?
6. Whether it be really for the more effectual Preservation of the Government in *Carolina* (as the Title of this Act pretends) or for the Credit and Service of the Church of *England*, that a Door should be so directly open'd, and such Provision made for admitting the most profliigate Persons to sit and vote in the making of Laws, who will but take the Oath appointed by this Act?
7. Whether this Act do indeed (according to its specious Title) oblige all the *Members of the Commons House of Assembly* to receive the Sacrament of the *Lord's Supper*, according to the *Rites and Usage of the Church of England*; whilst it leaveth them all at Liberty to take the said Oath in stead of so receiving, and declareth those who do it, sufficiently qualified, as if they had received?
8. Whether the Freeholders be not defrauded of the Right of Chusing their Representatives by the Majority of Votes; whereas, according to this Act, one who had confess'dly fewer Voices (perhaps not so many as 30 against 300) may be imposed on them, without their being allow'd to try for it again by a new Election, wherein the Majority must probably fall upon some other Person?
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9. Whether thus running counter to the Laws and Usage of *England* in such important Points be the Way to make the Government of *Carolina* most agreeable to the Monarchy of *England* (of which it is an acknowledg'd part) according to the profess'd Design of their Fundamental Constitutions? ----
10. Whether it be not *Persecution for Conscience only* (the very Thing expressly condemn'd by the Preamble of this Act) to incapacitate Persons chargeable with no Crime, and otherwise qualified for such an honourable Station, only because they are not satisfied in Conscience to receive the Lord's Supper, according to the Rites of the Church, nor can take the Oath requir'd instead thereof?
11. Whether they, who are thus incapacitated only upon account of their conscientious Dissent from the Rites and Ceremonies of the Ch. of *E.* are not likewise thereupon subjected to many farther Grievances, and together with them all other Protestant Dissenters in *Carolina*? Whenas the Assembly would be then like to consist, for the greater part, of Persons inclinable to abridge them of their Liberties, and oppress them in point of Taxes and otherwise?
12. Whether such ill Treatment of them would be any ways agreeable to the Royal Charters and Fundamental Constitutions, which have invited and encouraged them to leave their Native Country by the Prospects therein given them of greater Liberty and kinder Usage Abroad?
13. And would not such an Act be still more highly unreasonable, where those Dissenters are more than Two Thirds of the Inhabitants, and that a great Number of Church-men besides (Persons of the best Reputation) are almost equally dissatisfied with it?
14. Can it be imagin'd, that such an Act could ever be obtain'd in *Carolina* without great Irregularities, and evil Practices? Such as the many undue Elections, which have by their Number supported and secur'd one another, calling the Assembly, without any visible Occasion, before the Day to which it stood prorogued, passing this Act by Surprize before that Day, and the using of undue Methods to secure Votes for that Purpose. When yet, after all this Management, there were Eleven Members of the Commons House against it (Four of them Church-men) only Twelve for it; and Seven then wanting to compleat the House?
15. Whether, if this Act should be confirm'd, it might not prompt and animate ill-designing Men by such like Methods, to procure somewhat of the same Nature in our other Foreign Plantations?
16. Whether such a Treatment of Protestant Dissenters in *Carolina*, and fear of the like elsewhere, would not drive away many, and keep back more from adventuring to transport themselves and their Effects?
17. Whether this ruining, or weakening the Plantations must not hinder the Exportation of many *English* Manufactures, prove a great Discouragement to Trade, and lessening of Her Majesty's Customs?
18. Might not the Pr. of *Carolina* by mild and equal Management be made of much greater Significancy to the Lord's Proprietors than at present it is?
19. Could any thing be more apparently opposite to Her Majesty's declared, earnest Desire, to have all Her Subjects easie and happy, than such an Act as this? And upon the Whole;
20. Does it not look like an Affront upon the Wisdom, Justice and Honour of the Lords Proprietors to have such an Act offered to them by their Deputies?