

of the Courts all is again left to discretion & so the Act unnecessary as it lies
voted that it pass John Gittings Esq.

Then came from the Lower house this following Paper

Whereas the place cannot be readily agreed on nor the Mannor how a
Hadt House may for the present be built, & the Widow Lee, proposing to this
House to sell that House she now lives in to Sale. It is thought most conveni-
ent that the said House be bought for the present use of the Country till a
better & more convenient may be sold out & that this be proposed to the
Upper House for their Approbation W^m Britton Esq.

It is ordered by the Upper House that the next Saturday be the day of
Sessions John Gittings Esq.

Upon reading an Act Entituled an Act for prescribing how to give
Evidence to those of tender Conscience.

Whereupon it was put to the Vote of the House whether the form of taking
an Oath should be altered yea, or no? Unanimously Voted No.
and that the reasons be drawn up & given them in writing

The House is Adjourned till nine of the Clock to Morrow morning

Thursday the 10th of April Present as before

Then was read the Act made the last Assembly Entituled an Act for
Encouragement of such Soldiers as shall adventure in the Defence of the
Country. which being read the Lieuten^t. General according to the Vote of
this House passed the 2^d. day of April & the desire therein contained
to Confirm this Act in his Lordships Name declare his Lordships Assent
to the said Act

Ordered that Sand Serifer messenger carry the Act Entituled an
Act for prescribing how to give Evidence to those of tender Conscience
with the reasons underwritten why it cannot pass to the Lower house

Reasons why this Act prescribing how to give Evidence to those of
tender Conscience cannot pass

1. The Assembly hath admitted & obliged the Judges to proceed ac-
cording to the Law of England & in that Law we can take no mans life
nor dispose of any mans Estate but by the Oath of lawful Witnesses
2. Many Laws of this Province not to be repealed directly in words
prescribe an Oath upon the holy Evangelists
3. Persons though not of tender Conscience if they have a mind to
please a Friend knowing such a Declaration not to bind so severely
in Conscience, as an Oath will be apt to pretend Tenderness of Conscience
so to waive a perjury before God
4. It will render all Testimonys taken in this Province invalid in