

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday, the Second Day of October, 1758, and in the 32nd year of His Majesty's Reign.

32 George II – Chapter 32

An Act for the better Observation and Keeping of the Lord's Day.

Be it enacted by his Excellency, the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, that in order that all persons may on the Lord's day apply themselves to duties of religion and piety, both publickly and privately, that no tradesman, warehouse-keeper, shop-keeper, or other person whatsoever shall for the future open his, her, or their shop or warehouse, or either by himself, or herself, or by his or her servant or servants, child or children, sell, expose or offer to sale, upon any bulk, stall or shed, or send or carry out, any manner of goods or merchandize, on the Lord's day, or any part thereof. Provided nevertheless, that this Act shall not extend to prohibit any persons from selling or exposing to sale, milk and fresh fish, before the hour of nine of the clock in the morning, and after five of the clock in the afternoon, on the said day.

And be it further enacted by the authority aforesaid, that no truckman, labourer, or other person whatsoever, for the future, shall do or exercise any labour, work or business of his or their ordinary callings, or other worldly labour, or suffer the same to be done by his or their servant or servants, child or children, either by land or by water, (works of necessity and charity only excepted) or use, or suffer to be used any sport, game, play, or pastime, on the Lord's day, or any part thereof; upon pain that every person or persons, so offending, in any of the particulars before-mentioned, upon conviction thereof, upon the oath of one credible witness, before any one of His Majesty's Justices of the Peace of this Province, or upon view of any Justice of the Peace, for every such offence shall forfeit and pay the sum of ten shillings.

And be it further enacted by the authority aforesaid, that no tavern-keeper, retailer of spirituous liquors, vintner, or other person, keeping a publick-house of entertainment within this province, shall for the future, on any pretence whatsoever, entertain or suffer any of the inhabitants or town-dwellers of Halifax, or any of the towns respectively where such tavern-keepers, retailers of spirituous liquors, vintners, or other persons keeping publick-houses of entertainment respectively dwell, or others not being strangers or lodgers in such houses, or such as come thither for necessary dieting and victualling only, to abide or remain in their dwelling-houses, out-houses or yards, drinking, or idly spending their time on the Lord's day; but shall keep their doors shut during the, time of divine service, on penalty of forfeiting and paying the sum of ten shillings, for every person and persons respectively so found drinking or abiding in such publick-houses or dependencies, thereof as aforesaid; and every such person and persons who shall be found so drinking or abiding in any such publick-house or dependencies thereof as aforesaid, shall respectively forfeit and pay the sum of five shillings.

And be it further enacted, that the church-wardens, when any shall be appointed, and the constables, or anyone or more of them, shall once in the forenoon, and once in the afternoon, in the time of divine service, walk through the town, to observe, suppress, and apprehend, all Offenders whatsoever contrary to the true intent and meaning of this Act: And they are hereby authorized and impowered, to enter into any publick-house of entertainment, to search for any such offenders, and in case they are denied entrance, they are hereby impowered to break open, or cause to be broke open, any of the doors of the said House, and enter therein; and all persons whatsoever are strictly required and commanded to be aiding and assisting to any constables or other officers, in their execution of this Act, on the penalty of ten shillings, current money, for every neglect.

And be it further enacted by the Authority aforesaid, that if any person or persons whatsoever, being of the age of twelve years or upwards, being able of body, and not otherwise necessarily prevented by real sickness, or other unavoidable necessity, shall, for the space of three months together, absent himself or herself, from the publick worship on the Lord's day, upon complaint thereof being made to any one of His Majesty's Justices of the Peace, such Justice is hereby required to grant a warrant, under his hand and seal, to apprehend such offender or offenders, and to require efficient sureties for the personal appearance of such offender or offenders at the next general court of sessions, then and there to answer such complaint, and upon Conviction thereof, the Justices of the said Court of Sessions may impose a fine of five shillings, and upon refusal or neglect of payment thereof, to levy the same by warrant of distress, upon the offenders goods, or chattels. And all ministers, matters and governors of families, are hereby strictly required to use their utmost endeavours, that their wives, children, servants, and others under theft immediate government, do not transgress any of the particulars in this Act mentioned.

All fines and penalties incurred by this Act, are to be to the use of the poor of the town where such offence is committed: And the Justice and Justices before whom any person or persons shall be convicted of offending against this Act, are required to make a record thereof, in a book to be kept by him or them.

Provided that no persons shall be prosecuted for any offence beforementioned, unless they be prosecuted for the same within ten days after the offence committed.

And be it further enacted, that every Justice of the Peace shall have full power and authority, either upon his own view, or other legal conviction, of any offender or offenders against this Act or any part thereof, to levy the penalties herein before respectively mentioned, in case the same shall not, upon such conviction, be paid by the offender or offenders, by distress of sale of the offender or offender's goods and chattels with costs; and in default of distress, to commit such offender or offenders to the common goal of the county, there to remain in close confinement for a time, not exceeding forty eight hours, nor less than twenty four hours.

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Be it further enacted, that this Act shall be publickly read, four times in every year, at the opening of every Court of General Session of the Peace, immediately after the Grand Jury are sworn; And also twice every year, viz, on every first Sunday of December, and on every first Sunday in June, in all publick places of worship within this Province immediately after divine service.

This Act to be in force for the space of two years from the publication hereof.