

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 5

An Act for the Establishment of Religious Publick Worship in this Province, and for suppressing of Popery.

For as much as His Majesty upon the sttlement of the Province, was pleased, in his pious concern for the advancement of God's glory, and the more decent celebration of the divine ordinances amongst us, to erect a church for religious worship, according to the usage of the Church of England; In humble imitation of His Royal example, and for the more effectual attainment of His Majesty's pious intentions, that we might in the exercise of religious duties, be seeking for the divine favour and protection, be it therefore enacted by his Excellency the Governor, Council, and Assembly, that the sacred rites and ceremonies of divine worship, according to the liturgy of the church established by the laws of England, shall be deemed the fixed form of worship amongst us, and the place wherein such liturgy shall be used, shall be respected and known by the name of the Church of England as by law established. And that for the preservation of purity and unity of doctrine and discipline in the Church, and the right administration of the government, no minister shall be admitted to officiate as a minister of the Church of England, but such as shall produce to the governor, a testimonial, that he hath been licenced by the bishop of London, and shall publicly declare his assent and consent to the book of common prayer, and shall subscribe to be conformable to the orders and constitutions of the Church of England, and the laws there established; upon which the governor is hereby requested to induct the said minister into any parish that shall make presentation of him. And if any other person pretending himself a minister of the Church of England, shall, contrary to this Act, presume to teach or preach publicly or privately, the governor and council are hereby defiled and impowered to suspend and silence the person so offending.

Provided nevertheless, and it is the true intent and meaning of this Act, that Protestants, dissenting from the Church of England, whether they be Calvinists, Lutherans, Quakers, or under what denomination soever, shall have free liberty of conscience, and may erect and build meeting-houses for publick worship, and may choose and elect ministers for the carrying on divine service and administration of the sacraments, according to their several opinions; and all contracts made between their ministers and their congregations for the support of the ministry are hereby declared valid, and shall have their full force and effect, according to the tenor and conditions thereof; and all such dissenters shall be excused from any rates and times to be made and levied for the support of the established Church of England.

And be it further enacted, that every popish person, exercising any ecclesiastical jurisdiction, and every popish priest or person exercising the function of a popish priest, shall depart out of this Province on or before the twenty fifth day of March, 1759. And if any such person or

persons shall be found in this Province after the said day, he or they shall upon conviction, be adjudged to suffer perpetual imprisonment; and if any person or persons so imprisoned, shall escape out of prison, he or they shall be deemed and adjudged to be guilty of felony without benefit of clergy.

And be it further enacted, that any persons, who shall knowingly harbour, relieve, conceal, or entertain any such clergyman of the popish religion, or popish priest, or persons exercising the function of a popish priest, shall forfeit fifty pounds, one moiety to his majesty for the support of his government in this province, and the other moiety to the informer, shall be also adjudged to be set in the pillory, and to find sureties for his good behaviour at the discretion of the court.

And be it enacted, that every offence against this Act, shall and may be inquired of, heard and determined, at His Majesty's Supreme Court [Supreme Court], Court of Assize, and General Goal Delivery, or by a special commission of oyer and terminer.

And be it further enacted, that it shall and may be lawful for any Justice of the Peace, upon Information by Oath, or any reasonable cause of suspicion, to issue his warrant for apprehending any such popish ecclesiastical person, popish priest, or person exercising the function of a popish priest, or any persons knowingly harbouring, relieving, concealing or entertaining, them or any of them, and to commit any such person or persons respectively, who shall so offend against this Act, to His Majesty's goal, for trial as aforesaid, and to require sureties for the appearance of the witness or witnesses, against any offender or offenders, upon such trial; and to make return of his proceedings to such court on the information of such witnesses, and the examination of any offender or offenders.

Provided nevertheless, that this Act shall not extend, or be construed to extend to any such Romish Ecclesiastical persons, who shall be sent into the Province as prisoners of war, or who shall by shipwreck or any other distress or necessity, be driven into the Province, so as that such prisoners of war do not escape before they can be sent out of the Province, or that such persons arriving through necessity as aforesaid, depart out of the Province as soon as there may be opportunity, and that they also forthwith after their arrival, attend the governor or commander in chief of the Province for the time being, if near the place of his residence, or otherwise a Justice of the Peace, and represent the necessity of their arrival, and obey such directions as the said Governor, Commander in chief, or Justice shall give them for their departure, and so as that neither the said prisoners of war, nor the said persons arriving through such necessity, shall exercise any ecclesiastical jurisdiction, or any part of the function of a popish priest, during his or their abode in the Province, in which case he or they shall be liable to the penalties of this Act.