

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 4th day of December 1759, and in the 33^d year of His Majesty's Reign.

33 George II – Chapter 3 (Session 2)

An Act in Addition to an Act, intituled, “An Act for the Establishment of religious Publick Worship in this Province, and for Suppressing of Popery.”

Whereas although in and by the said act it is enacted, 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 although a church is already built, and publick worship performed therein, yet no provision is made in the said act for the choice of parish officers, or to empower the parishioners belonging to the said church to raise money for the support and maintenance of such ministers as are shall be hereafter appointed to officiate therein, and for the repairs of said church;

Be it therefore enacted by His Excellency the Governor, council, and assembly, and by the authority of the same it is hereby enacted, that the parish of the church commonly called and known by the name of Saint Paul's church, shall extend and comprehend all of the lands lying and being in the township of Halifax, hereafter to be known and called by the name of the parish of Saint Paul's, for and during such times as the said township shall consist of one parish only, and that the church-wardens and parishioners of said parish, are hereby empowered to meet as soon as convenient may be, notice being first given of such meeting, and the place thereof, by the rector of said parish, and shall then and there chuse twelve officers of the said parishioners for vestry-men, in which vestry shall be included the ministers belonging to the said church, and officiating therein; and the said church-wardens and vestry shall have and exercise all such powers and authorities, for the benefit of the said church, as are usually exercised by church-wardens and vestries in the parish churches in England, and shall to all intents and purposes be, and are hereby empowered, as a body politic incorporate, to sue and be sued, and to ask, demand, and sue for the rents due for the pews of said church, for the benefit of the ministers and repairs thereof, and to take and receive all gifts, grants, either of lands or money, to and for the use of the said parish church, and to improve the same for the benefit and advantage thereof, according to their best discretion, and the true intent and meaning of the donors: and the said meeting of the parishioners for the choice of vestry-men, shall hereafter be annually on Michaelmas-Day, on which day shall also be chosen annually the church-wardens for the said church, by the said parishioners.

And be it further enacted, that if any of the said parishioners, who shall be regularly chosen into the officers aforesaid, do refuse to serve in the same, he or they shall forfeit the sum of five pounds, to be recovered by bill, plaint, or information, in any of His Majesty's courts of record; which forfeiture shall be to and for the use of the said parish-church.

And be it further enacted, that the said parishioners may, by a vote of the majority at their annual meeting then present, grant such sums of money towards the support and maintenance of their minister or ministers, or for the repairs of the said church, as they may think necessary; which said vote shall be binding on all the parishioners belonging to the said church, and others dwelling in the said parish, not exempted by law from paying toward the support of the church of England; which sum or sums of money so voted, shall be affected in just and equal proportions on every parishioner, according to their several abilities.

And be it further enacted, that for the greater ease of the parishioners, in paying in such sums so granted, that for every yearly grant for the support of the ministry, it shall be assessed by the church-wardens and vestry in two equal assessments, one half to be paid in the first six months, and the other half in the last six months.

And be it also enacted, that the said church-wardens shall, and they are hereby impowered, to collect and receive such rates and taxes; and if any person thus rated or taxed, shall not pay the same within one month after notice given by such church-wardens, that then it shall and may be lawful, on the complaint of such church-wardens, on oath that due notice has been given as aforesaid, for any one of His Majesty's justices of the peace for the county of Halifax, by warrant of distress under his hand and seal, to cause the same to be levied on the goods and chattles of the person so failing.

Provided always, that if any person shall think himself over-rated, he may appeal for redress to the next general sessions of the peace for the said county, and the justices thereof are hereby required and impowered to examine, hear and determine all and every such appeal or complaint, and to give redress as they in their judgment shall think equitable, and such their order and judgment shall be final, and bind all parties.

And be it further enacted, that the church-wardens and vestry may meet as often as the business of the said church shall require, but for the making the assessments and rating the parishioners, they shall and are hereby enjoined to meet on the first Monday after Easter yearly and every year; and no assessment, unless the same be agreed on and subscribed by at least seven of the said vestry and church-wardens, nor any other act by them done or agreed on to be done, shall be valid, and have its force and effect in law, unless also seven of them, at least, be present.

And be it further enacted, that the ministers of the church of England, not confirming themselves to the rules prescribed by the canons of the said church, shall be subject to the censures and penalties incurred therein, and none other, any law, usage, or custom to the contrary notwithstanding.