

were, at the time of the execution of such deed and deeds, seized of the hereditaments and premises thereby granted, bargained and sold, of an indefeazable estate of inheritance, in fee simple, free from all incumbrances, (rents, duties, conditions, and services due and reserved to the King only excepted) and for quiet enjoyment thereof against the grantor and bargainor, his and their heirs and assigns respectively, and all claiming under him or them, and also for further assurance thereof to be made by the grantor and bargainor, his and their heirs and assigns, and all claiming under him or them; unless the same shall be restrained and limited by express particular words contained in such deed or deeds; and that the bargainee and grantee, their and each of their heirs, executors, administrators and assigns respectively, shall and may, in any action or actions to be brought, assign a breach or breaches thereupon, as they might do in case such covenants were expressly inserted in such bargain and sale, deed and conveyance aforesaid.

Cap. IV

An ACT for PRESERVING the CHURCH of ENGLAND, as by law established in this province, and for securing LIBERTY of CONSCIENCE in matters of RELIGION.

I. *Be it enacted by the Governor, Council and Assembly,*

THAT no person whatsoever shall be capable to be admitted to any parsonage, or other ecclesiastical benefice or promotion whatsoever, within this province of *New-Brunswick*, before such time as he shall be ordained according to the form and manner by law established in the said Church of England.

Persons admitted to parsonages, &c. to be ordained.

II. *And be it further enacted,* That every person having any ecclesiastical benefice or promotion within this province (not having some lawful impediment, to be allowed and approved of by the Governor or Commander in Chief for the time being) shall once at the least in every month, upon some Lord's Day, in the church, chapel, or place of public worship, belonging to his said benefice or promotion, openly and solemnly read the public and common prayers and service prescribed in and by the liturgy of the said Church of England, and (if there be occasion) administer each of the sacraments, and other rites of the church, in such order, manner and form, as in and by the said liturgy is appointed, upon pain to forfeit the sum of five pounds to the use of the

Persons having benefices, &c. to read prayers once in every month at least, administer sacraments, &c. under penalty of five pounds.

the poor of the parish for every offence, upon conviction by indictment or information in any of his Majesty's courts of record in this province.

Persons having benefices, &c. who shall use any other form of prayers, &c. than those prescribed in the liturgy shall be *ipso facto* disabled to officiate and be deprived of their benefice.

III. *And be it further enacted*, That if any person whatsoever, having any ecclesiastical benefice or promotion within this province, shall presume, in any church, chapel, or other place of public worship within this province, openly to use any other form or order of common prayers, administration of sacraments, rites or ceremonies, than what is prescribed and appointed to be used in and by the said liturgy; every such person so offending, and being thereof convicted, upon indictment or information, in the supreme court, or in any court of oyer and terminer or goal delivery in this province, shall be *ipso facto* disabled to officiate in the church, and deprived of all his ecclesiastical benefice or promotion, and it shall be thereupon lawful for the Governor, or Commander in Chief for the time being, to collate to the same, as if the person so offending as aforesaid were dead.

Dissenters shall have liberty of conscience, may build meeting-houses, and elect ministers.

IV. *Provided always, and be it further enacted*, That all dissenters from the Church of England, within this province, shall have liberty of conscience, and may erect and build meeting houses for public worship, and may choose and elect ministers for the decent and orderly celebration of divine service, and administration of the sacraments, according to their several and respective opinions.

No person not duly elected by dissenters, allowed to preach, &c. unless licensed by the Governor or Commander in Chief, nor shall any person be allowed to preach, &c. unless he shall take the oaths of fidelity, &c.

V. *Provided nevertheless, and be it further enacted*, That no person whatsoever, of what persuasion or denomination soever, unless so chosen and elected, shall be permitted, suffered or allowed, to preach any sermon or lecture, or to officiate in the celebration of divine service and administration of the sacraments, or other rites and ceremonies, in any place of public worship within this province, unless he be first approved and thereunto licensed by the Governor or Commander in Chief for the time being, under his hand and seal, and no person whatsoever of what persuasion or denomination soever, shall be permitted, suffered or allowed, to preach any sermon or lecture, or to officiate in the celebration of divine service and administration of the sacraments or other rites and ceremonies in any place of public worship unless he shall in the presence of the same Governor, or Commander in Chief, or of such person as he shall for that purpose nominate and appoint, take the usual oaths of fidelity and allegiance to his Majesty and his successors: And that every person offending herein against the true intent and meaning of this act, and being thereof convicted upon indictment or information in the supreme court, or in any court of oyer and terminer or goal delivery in this province, shall for each offence pay a fine to his Majesty, not exceeding the sum of one hundred pounds, nor less than fifty pounds, to be applied

Offenders to be fined not exceeding £100. nor less than £50. or imprisoned not exceeding six nor less than three months.

for the public uses of this province and the support of the government thereof, or suffer imprisonment for a space not exceeding six months nor less than three months, at the discretion of the court before which the said offender shall be so convicted. *Provided*, That no person whatsoever shall, at any time be liable to the penalties mentioned in this act, or any of them, for any offence or offences hereafter to be done or committed in any of the premises, unless he be thereof convicted as aforesaid, within six months respectively after such offence or offences shall have been committed: *And provided*, That the people called Quakers may be allowed the exercise of public worship in the manner they are accustomed, any thing in this act to the contrary notwithstanding.

Conviction must be within six months.

Quakers allowed to worship as accustomed.

to go to the meeting in their own way.

Cap: V

An ACT against the PROFANATION of the LORD'S DAY, commonly called SUNDAY, and for the SUPPRESSION of IMMORALITY.

TO prevent the true and sincere worship of GOD from being profaned, disturbed or neglected, by any of the inhabitants and sojourners within this province.

Be it enacted by the Governor, Council and Assembly, That from and after the publication of this act, all persons within this province, of what description soever, (native Indians excepted) who shall be convicted, by the oath of one or more credible witnesses or witnesses, before any of his Majesty's justices of the peace in any county within said province (who are hereby required to take cognizance of the same) of shooting, gaming, sporting, playing, hunting, or frequenting tippling-houses, or servile labor (works of necessity and mercy excepted) on the LORD'S DAY, commonly called SUNDAY, or who shall be convicted of drunkenness, or the disturbance of the public worship of GOD, either on that or any other day, shall for every such offence, forfeit and pay the sum of three shillings, to be levied by distress and sale of the offender's goods at public auction by warrant under the hand and seal of any justice of the peace (the overplus, if any, to be returned to the owner of such distrained goods) unless the said forfeiture be paid within three days after conviction; but for want of effects whereon to levy the forfeiture, such offender shall for every such offence, by warrant under hand and seal of such justice of the peace, be publickly set in the stocks, not more than three, nor less than the space of one hour. All for-

Shooting, gaming, &c. prohibited on the Lord's Day.

Drunkenness and disturbance of public worship on that or other days.

Penalty three shillings for each offence.

For want of effects offenders set in the stocks.