

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 4

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.

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 proscribed 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 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.

III. And be it further enacted, That if any person whatsoever, having any ecclesiastical benefice or promotion within this province, shall perform, 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 *over 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.

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.

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 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 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.