

## [STATUTES OF NOVA SCOTIA, 1758]

## [32 GEORGE 2]

## [CAP. V.]

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

## [I] Preamble.

FORASMUCH as His Majesty upon the Settlement 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 Sacraments, 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 desired and empowered 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 or Taxes to be made and levied for the Support of the Established *Church of England*.

Others to be silenced.

[II.] Protestant dissenters excepted,

and excused from rates for the established church.

[I.] Liturgy of the Church of England established.

No minister to officiate without

a certificate from the Bishop of London.

[1] British North American Legislative Database, 1758-1867 [https://bnald.lib.unb.ca/legislation/search] showing the original print, which lacks a chapter number, section numbers and marginal notes. These are shown from the *Statutes at Large . . . of Nova-Scotia* (1758-1804), vol 1, pp 7-8. According to the House of Assembly Journal, the bill received royal assent from lieutenant-governor Charles Lawrence on 30 November 1758, (p 32). Under British parliamentary practice in this era, the act would have been retroactively deemed legally in force on 2 October 1758, date of commencement of the session.

Eng. Stat. 11  
& 12 Wil. 3d,  
c. 4 sec. 3

[III.] Popish  
Priests to de-  
part the prov-  
ince before  
25th March,  
1759,

on pain of  
perpetual im-  
prisonment.

Escape to  
be deemed  
felony.

Eng. Stat. 27  
Eli. cap. 2.

[IV.] Persons  
harbouring  
popish priests

to forfeit £50.

[V.] Offences  
tried

at supreme  
court or  
by special  
commission of  
oyer and ter-  
miner.

[VI.] Any  
justice of the  
peace

may commit  
popish priests  
or persons  
harbouring  
them,

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, and

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 *Supream 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 Witnes or Witneses, against any Offender or Offenders, upon such Trial; and

to make Return of his Proceedings to such Court on the Information of such Witneses, 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 Distres or Neceffity, 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 Neceffity 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 Neceffity 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 Neceffity, 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.

and bind the  
witnesses to  
appear.

[VII.] Not to  
extend to such  
Romish eccle-  
siastical per-  
sons as are  
sent into the  
province as  
prisoners of  
war, or driven  
in by ship-  
wreck.