

had exiled themselves from England to secure a larger degree of freedom than they could practise in their own country. Quakers also were banished from Massachusetts, and because they would not stay banished, were, many of them, put to death. Moreover these persecutions were distinctly persecutions for opinion's sake. While we condemn the legislation of our own Assembly as wholly without justification, we are not bound to say that it was wholly without excuse. The six esquires and thirteen gentlemen that assembled at the court house in Halifax in October, 1758, had as honest and genuine a fear of the Pope as old Cotton Matner had of the Devil, when he sat at the bedside of Margaret Rule and "distinctly smelled the sulphur." It was not in cruelty or wantonness that Puritan magistrates ordered the witches to be burned, nor was it from bigotry or religious intolerance that our Provincial Assembly enacted these odious proscriptions. Both measures were resorted to from a mistaken view of what was required for the safety of the commonwealth. We can, at least, claim for our statute, as Colonel Higginson does for that of Massachusetts, that it omits the refinement of cruelty which had become familiar in Europe, of forbidding the unhappy objects of displeasure to leave the realm, and then tormenting them if they stayed. By this statute, bad as it is, a day was set within which it was possible for the subject of the persecution to depart out of the province. The imprisonment that the law prescribed could be avoided by exile, and punishment as a felon only followed on escape from prison. Let us not, however, seek to minimise the enormity of the injustice, or deem such legislation other than a blot upon the statute book of the province. Let us rather rejoice to know that we learned the lesson, not of religious "toleration," but of religious freedom, before it was learned in England, and that when we did awake to the odiousness and injus-

tice of such proscriptions, we based our reform not on any delicate compromises, but on the broadest and fairest and most philosophical principles of civil and religious liberty.

In 1783 an act was passed removing the disabilities imposed by the statute of 1758, but subject to the condition of an oath being taken which no self-respecting citizen could be expected to subscribe without a sense of personal degradation. It would be absurd to suppose that these oaths were prescribed with the desire to give offence to those who were called upon to take them, or that they were devised with any other design than that of safeguarding a concession as to which, even yet, the majority of the representatives were not without misgivings. At length in 1826 we have the bold and luminous declaration, which seems to us now to be one of the common-places of political philosophy, but which, considering the times in which it was penned, and the long history of proscription and persecution that it terminates, deserves to rank along with the *nullus liber homo* of *Magna Charta* and the "all men are created equal" of the Declaration of Independence.

"Whereas, liberty of conscience in all matters of religious belief and freedom in regard to all religious rites and ordinances, are the undoubted right and privilege of His Majesty's subjects in this province; (And whereas by sections 5 and 6 of the act repealing certain disabilities of Roman Catholics certain conditions were specified); Be it therefore enacted that the 5th and 6th sections of the said act . . . are hereby altogether repealed, and His Majesty's said subjects in this province, professing the Roman Catholic religion, shall henceforth be entirely free and exempt from all the penalties and disabilities aforesaid."

Having provided for the revenue of the province, quieted the titles to land, established the national church, tolerated the Calvinists and Quakers, and guarded against the apprehended