

their allegiance, and to live under British institutions. Among them were many of high character, education, and standing.

The commission to Thomas Carleton, Esq., the first Governor of New Brunswick, bears date August 1784. It was opened by him at St. John on November, 20, 1784, and he assumed the government, aided by a very efficient council, the members of which were named in the commission, and several ordinances were passed and grants made. The Supreme Court, with four judges, and having the jurisdiction of the Common Law Courts at Westminster, was also constituted by the King, and sat for the first time in April 1785. The Legislative Assembly met for the first time, January 3d, 1786.

From October 1758, to November 1784, New Brunswick continued under the government and legislature of Nova Scotia, and the Acts of Assembly remained in force, some until superseded by new Acts on the same subjects, and others until 1791, when by an Act of the New Brunswick Assembly, (31 Geo. 3 c. 2,) it was declared that "no law passed in the General Assembly of the Province of Nova Scotia, before the erection of the Province of New Brunswick, should be of any force or validity within the province: provided that the Act should have no retrospective force or operation."

By an Act of the Legislature of Nova Scotia, passed at its first session in 1758, (32 Geo. 2, c. 5,) it was enacted that "the sacred rites and ceremonies of Divine Worship, according to the liturgy of the Church established by the laws of England, should be deemed the *fixed form of worship amongst us*; and the place wherein such liturgy shall be read, shall be respected and known by the name of the *Church of England, as by law established.*"

By the Act 33, Geo. 2, c. 2, the Parish of St. Paul's, in Halifax, was constituted, and the last section of the Act enacts "that all ministers of the Church of England, not conforming themselves to the rules prescribed by the canons of the said Church, shall be subject to the penalties named therein, and none other: any law, usage, or custom to the contrary notwithstanding."

Such was the state of the law relative to the Church of England when New Brunswick became a separate province. *No Bishop had then been appointed in any of the North American Colonies*, the Bishop of London being the only recognized diocesan. The attachment, however, to the Church of England was great, a large portion of the Loyalists being members of the Church, and several of its early clergy having had churches in New York, New Jersey, and New England.

We are not, then, surprised to find among the first Acts of the Legislature of New Brunswick, in 1785, 26 Geo., 3 c. 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." The first section of this Act provides that "no person shall be capable to be admitted to any parsonage or other ecclesiastical benefice, or promotion whatever within the 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"; and the second section provides "that every person having any ecclesiastical benefice or promotion within the Province, not having some lawful impediment to be allowed and approved of by the Governor or Commander-in-Chief for the time being, shall perform service once a month at least."