

In case of war
&c. continued till
the end of such
war &c.

will be in the year of our Lord one thousand seven hundred and ninety-six, and no longer: provided always, that if, at the term above fixed for the expiration of this Act, the Province shall be in a state of war, invasion or insurrection, the said Act shall continue and be in force until the end of such war, invasion or insurrection.

C A P. V.

An Act for establishing regulations respecting Aliens and certain subjects of his Majesty, who have resided in France, coming into this Province, or residing therein; and for empowering his Majesty to secure and detain persons charged with or suspected of High Treason; and for the arrest and commitment of all persons, who may individually, by seditious practices, attempt to disturb the Government of this Province.

Preamble.

WHEREAS a number of persons, not being natural born subjects of His Majesty, nor Denizens, nor persons naturalized by Act of Parliament, nor subjects of his Majesty, having become such by conquest or cession of the province of Canada, have lately resorted to this Province: and whereas under the present circumstances, much danger may arise to the public tranquility, from the resort and residence of Aliens, unless due provision be made in respect thereof; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act, passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said province;'*" and it is hereby enacted by the authority of the same; that during the continuance of this Act, the Master or Commander of every ship or vessel that shall arrive in any port or place in this Province, from sea, shall, immediately on his arrival, declare in writing to the Collector and Comptroller or other chief Officer of his Majesty's Customs, at or near such port or place, whether there are, to the best of his knowledge, any Foreigners on board his ship or vessel; and shall in his said declaration specify the number of Foreigners, if any on board his said ship or vessel, and also specify their names and respective rank, occupation or description, as far as he shall be informed thereof.

Master of every vessel upon his arrival to declare in writing to the Collector, &c. the names, &c. of all Foreigners on board his vessel, &c.

Neglecting to make such declaration to forfeit £10.

II. And be it further enacted by the authority aforesaid, that the Master or Commander of every ship or vessel, so arriving as aforesaid, who shall neglect or refuse to make such declaration as aforesaid, shall, for every such offence, forfeit and pay the sum of ten pounds current money of this Province for each and every Foreigner who shall have been on board, at the time of the arrival of such ship or vessel as aforesaid, or of her coming into the gulph or river St. Lawrence whom he shall have wilfully neglected or refused to declare as aforesaid; one moiety whereof shall be to the informer or informers, and the other moiety to the use of the poor of the parish or place where such offence shall have been committed, to be recovered before any two or more Justices of the Peace acting in and for the said district, city, town or place, in which such offence shall have been committed, by the confession of the party, or on the oath of one or more credible witness or witnesses: and in case such Master or Commander shall neglect or refuse forthwith to pay such penalty, as he shall be adjudged to pay in manner aforesaid, that it shall and may be lawful for any Collector, Comptroller or other chief Officer of the Customs in this Province, to detain such ship or vessel as aforesaid, until the same shall have been paid.

To be recovered before any two Justices of the Peace.

Collector, &c. may detain his vessel until the penalties be paid.

All Aliens on their arrival in this Province, to declare in writing to the Collector, &c. his name, &c. If a servant the name &c. of his master and where he has resided for the last 6 months.

III. And be it further enacted by the authority aforesaid, that every Alien who shall arrive in any port or place of this Province, in any ship or vessel coming into the gulph or river St. Lawrence, after the passing of this Act, shall immediately after such arrival, declare in writing to the Collector, Comptroller or other chief Officer of the Customs, at or near such port or place, his or her name, rank, occupation or description, or if a domestic servant, then also the name, rank, occupation or description of his or her master or mistress; or shall verbally make to such Officer as aforesaid, such declaration, to be by him reduced to writing; and shall also in like manner declare the country, or countries, place or places, where he or she shall have principally resided for six calendar months, next immediately preceding such arrival.

IV. And be it further enacted by the authority aforesaid, that every Alien who, after the fifteenth day of June, one thousand seven hundred and ninety-four, shall come into this Province by any inland communication or navigation, shall immediately after such arrival, declare in writing to the nearest Justice of the Peace, his or her name, rank, occupation, or description, or if a domestic servant, then also the name, rank, occupation or description of his or her master or mistress, or shall verbally make to such Justice, such declaration to be by him reduced to writing; and shall also in like manner declare the country or countries, place or places, where he or she shall have principally resided for six calendar months next immediately preceding such arrival.

Aliens who have arrived since the 1st of May, 1793, to lodge a declaration in writing with the Clerk of the Peace nearest to their residence, within thirty days.

V. And be it further enacted by the authority aforesaid, that all persons, not being natural born subjects of his Majesty, nor Denizens, nor persons naturalized by Act of Parliament, nor subjects of his Majesty, having become such by the conquest or cession of the province of Canada, who have arrived and come into this Province after the first day of May, one thousand seven hundred and ninety-two, and may reside within the same, at the time of passing this Act, shall within thirty days therefrom, declare in writing, and the same deliver, or cause to be made and delivered to the Clerk of the Peace, at the town of Quebec or Montreal, or Three Rivers, or to the Clerk of the Peace of the district of Gaspé, whichever may be nearest to the place of their actual residence, his or her name, rank, occupation or description; or if a domestic servant, then also the name, rank, occupation or description of his or her master or mistress: and shall also in like manner declare the country or countries, place or places, where he or she shall have principally resided for six months, next immediately preceding such arrival in this Province; and shall also in like manner, declare the several places, and for what length of time in each they have resided in this Province, and the trade, business or occupation, if any, which he or she have followed during their residence aforesaid.

Aliens neglecting or refusing to make their declarations, are, upon conviction, to be adjudged to depart out of the Province; if afterwards found therein to be transported for life.

VI. And be it further enacted by the authority aforesaid, that all and every Alien, who by this Act is directed to make, or to cause to be made, deliver, or cause to be delivered, any declaration in writing, or otherwise, who shall neglect or refuse the same to do and perform, or who shall wilfully make or cause to be made any false declaration thereof, shall, for every such offence, on conviction thereof, upon bill, plaint or information to be exhibited in any of his Majesty's courts of King's Bench, or in any court of Oyer and Terminer and Gaol Delivery, or any General or Quarter Sessions of the Peace, be adjudged to depart out of this Province, within a time to be limited by the judgment of the court, before which such offender may be tried and duly convicted as aforesaid; and if he or she shall be found therein, after such time in such judgment so limited, without lawful cause, he or she shall, being duly convicted thereof before any of his Majesty's courts of King's Bench or any court of Oyer and Terminer and Gaol delivery, be transported for life.

Aliens making the declarations required, to obtain a certificate.

VII. And be it further enacted by the authority aforesaid, that every such Alien so arriving or who may reside in this Province, making such declaration as aforesaid, shall obtain from the Collector, Comptroller or chief Officer of his Majesty's Customs, or Justice, or Clerk of the Peace, before or unto whom such declaration may be made and delivered, (and such Officers are hereby respectively required to deliver the same) a certificate of his or her declaration, made in writing or verbally, containing all the particulars in such declaration expressed.

This Act not to extend to mariners arriving by sea.

VIII. Provided always and be it further enacted, that nothing herein before contained shall extend or be construed to extend to any mariner whom the master or commander of any ship or vessel, arriving in any port or place in this Province from sea, shall certify to the Collector, Comptroller or other Chief Officer of his Majesty's Customs of such port or place, in writing, subscribed by such master or commander, to be actually engaged and employed in the navigation of such ship or vessel, during the time that such mariner shall remain so actually engaged and employed; and which certificate in writing, so subscribed as aforesaid, every such master or commander as aforesaid is hereby required to give.

The Collector, &c. to transmit declarations taken before them to the Secretary of the Province.

IX. And be it further enacted by the authority aforesaid, that all and every Collector, Comptroller, or other Chief Officer of his Majesty's Customs, and all and every Justice or Clerk of the Peace, who by this Act is required and may take and receive any declaration in this Act directed, shall forthwith and without delay transmit the same (keeping a copy thereof) to the Secretary of this Province in his office at the city of Quebec, to the intent that the same may be immediately delivered to and for the consideration and order of the Governor, Lieutenant-Governor, or Person administering the Government of this Province, under and upon the penalty of five pounds for every neglect, to be recovered, paid, and applied as penalties imposed by the second section of this Act.

Penalty for neglect.

The Governor by proclamation &c. may direct any Alien to depart the Province.

X. And be it further enacted by the authority aforesaid, that when and so often as the Governor, Lieutenant-Governor, or Person administering the Government of this Province shall, by his proclamation or his order made in the Executive Council of this Province, direct that any Alien, being or who may hereafter arrive within this Province during the continuance of this Act, shall depart this Province within a time limited in such proclamation or orders respectively; and any Alien who shall knowingly neglect or refuse to pay due obedience to such proclamation or orders respectively, or shall be found in this Province contrary to such proclamation or orders, as the case may be, it shall and may be lawful for any of his Majesty's Justices of the Peace, by warrant under his hand and seal, to cause every such Alien, so neglecting or refusing as aforesaid, to be arrested and to be committed to any of his Majesty's gaols within this Province, and there to remain without bail or mainprize, until he or she shall be delivered by due course of law: and in cases, where the Governor, Lieutenant-Governor, or Person administering the Government may apprehend that immediate obedience will not be paid to such proclamation or orders respectively as aforesaid, it shall and may be lawful, by warrant under his hand and seal, to give such Alien in charge to any Peace Officer, or to such other person or persons, to whom he shall think proper to direct such warrant, in order that such Alien may be conducted out of this Province, in such manner as may appear suitable.

Who may be conducted out of the Province by warrant, under the hand and seal of the Governor, &c.

Aliens disobeying such proclamation to be adjudged to depart the province, and if afterwards

XI. And be it further enacted by the authority aforesaid, that every such Alien so disobeying or knowingly neglecting to pay due obedience to such proclamation or orders respectively, or being found in this Province contrary to such proclamation or orders respectively, who shall be lawfully convicted thereof, in any of his Majesty's courts

found therein to be transported for life.

courts of King's Bench, or courts of Oyer or Terminer and Gaol Delivery, or General or Quarter Sessions of the Peace in this Province, shall and may be adjudged to depart out of this Province, within a time to be limited by the judgment of the court before which such offender may be tried and duly convicted as aforesaid; and if he or she shall be found therein after such time in such judgment so limited, without lawful cause, he or she shall, being duly convicted thereof before any of his Majesty's courts of King's Bench, or any court of Oyer and Terminer and Gaol Delivery, be transported for life.

Aliens may be required by Justices of the Peace to exhibit the certificate of their declarations, and for the want thereof may be committed to gaol, &c.

XII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any of his Majesty's Justices of the Peace, in any part of this Province, at any time to demand and require of any Alien, who shall have arrived after the first day of May, one thousand seven hundred ninety-two, or who shall arrive at any time during the continuance of this Act, to exhibit a certificate of the declaration by this Act required, which he or she is hereby enjoined to exhibit accordingly, and in default thereof, or in case it shall appear, that such Alien is then acting contrary to the true intent and meaning of this Act, such Justice of the Peace may, upon examination if he shall see cause, commit such Alien to the common gaol or public prison, or detain such Alien in such custody as such Justice may think proper, until notice thereof may be sent to the Secretary of the Province in his office at Quebec, and order in that respect made by the Governor, Lieutenant-Governor, or Person administering the Government, or until such Alien be bailed, released, or discharged by due course of law; and every Justice so committing to gaol or detaining any such Alien, is hereby required forthwith to transmit notice thereof to the Secretary of the Province as aforesaid, under the penalty of five pounds, to be levied and applied as other penalties are herein-before directed.

Notice thereof to be transmitted by the Justice, under the penalty of five pounds.

Magistrates may require of any house-keeper, an account of any Alien residing in his house.

XIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any of his Majesty's Justices of the Peace, by notice in writing under their hand respectively, to be left at the house of any house-keeper, within the district, town, or place in and for which such Justice shall act, to require of such house-keeper an account in writing within a time to be limited by such notice, to be subscribed with the name of such house-keeper (or otherwise authenticated) of the names, rank and occupation of all such Aliens as may be resident in his or her dwelling house, as far as the same shall have come to his or her knowledge, together with an account of the time, during which such Aliens respectively shall have been so resident in his or her dwelling house, or if no such Alien shall be resident therein, then in like manner he or she shall certify the same: and if any house-keeper shall neglect or refuse to return such account or certificate as is hereby required, or shall return a false account or certificate, every such house-keeper, being lawfully convicted thereof by his or her confession or on the oath of one or more credible witness or witnesses, before any two or more of his Majesty's Justices of the Peace, shall forfeit and pay the sum of ten pounds for every Alien, who shall be proved to have been a lodger or inmate in such dwelling-house as aforesaid, either at the time when such notice, as aforesaid, was left at his or her dwelling house, or at the time of returning such account or certificate, and whom he or she shall have wilfully neglected to return in such account; and in case there shall be or have been no Alien in his or her dwelling house at such time respectively, shall forfeit and pay the sum of one pound, to be recovered in manner aforesaid; one moiety of such penalties respectively to be to the informer or informers and the other moiety to the use of the poor of the parish or place in which such dwelling house shall be situate.

Penalty for refusing or neglecting to make return or making a false return.

Though no Alien resident he must make return.

Penalty.

Persons counterfeiting a certificate, or obtaining it under a different description than that declared, or falsely personating the person mentioned in the certificate, to be imprisoned and depart the province.

And if again found in the province, to be transported for life.

Cases where persons may be bailed and by whom.

Justices authorized by warrant from the Governor, &c. to admit Aliens to bail.

Aliens may be sent out of the Province by the order of the Governor, &c.

Aliens returning from transportation, without permission from his Majesty, guilty of felony, without benefit of clergy.

Transportation to be to such place as the Go-

XIV. And be it further enacted by the authority aforesaid, that if any person or persons shall wilfully forge, counterfeit or alter, or cause to be forged, counterfeited or altered any such certificate as is by this Act directed to be given, or shall obtain such certificate under any other name or description than that which he or she shall have declared to any Custom-house Officer or Justice, or Clerk of the Peace, as are herein mentioned, or shall falsely pretend to be the person mentioned in any such certificate, such person or persons shall for every such offence, on conviction thereof in any of his Majesty's courts of King's Bench or Oyer and Terminer and Gaol Delivery, or General or Quarter Sessions of the Peace, upon bill, plaint or information be adjudged to be imprisoned for any time not exceeding six calendar months, and at the expiration thereof to depart out of this Province within a time to be limited by such judgment; and if such person shall be found therein after such time in such judgment so limited, without lawful cause, such person shall, being duly convicted thereof in any of his Majesty's courts of King's Bench or Oyer and Terminer and Gaol Delivery, be transported for life.

XV. And be it further enacted, that in every case in which power is given by this Act to commit any Alien to the common gaol, without bail or mainprize until delivered by due course of law, it shall and may be lawful for any of the Justices of any of his Majesty's courts of King's Bench, or Justices of Oyer and Terminer and Gaol Delivery in this Province, if upon application made, he shall see sufficient cause to presume that such person is not within the description limited by this Act in the different cases herein mentioned, to admit such person to bail, he or she giving sufficient security for his or her appearance, to answer the matters alledged against him or her.

XVI. Provided also, and be it further enacted, that it shall be lawful for any Justice of the Peace to admit any Alien to bail who shall have been committed by virtue of this Act, such Justice being authorized so to do by warrant under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government, for that purpose, specifying the security to be taken by such Justice, although such person is within the description limited by this Act.

XVII. And be it further enacted by the authority aforesaid, that it shall and may be lawful, for his Majesty, his Heirs and Successors, whenever the Governor, Lieutenant Governor or Person administering the Government of this Province shall deem it necessary for the public safety, to send out of this Province any Alien as aforesaid, who shall have been apprehended or committed to any gaol or prison, by any person, under the powers by this Act granted, or who shall be imprisoned in execution of any sentence passed upon any such Alien for any offence against this Act, or who shall have been admitted to bail; the order for such departure or sending out of the Province of any Alien, as above said, being issued and made under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government of this Province.

XVIII. And be it further enacted by the authority aforesaid, that if any Alien adjudged to be transported, shall return or be found at large within this Province after and contrary to such sentence of transportation, without permission from his Majesty, his Heirs or Successors, first had and obtained, every such Alien shall, on conviction thereof in any of his Majesty's courts of King's Bench or courts of Oyer and Terminer and Gaol Delivery in this Province, be guilty of felony and shall suffer death as a felony without benefit of clergy.

XIX. And be it further enacted by the authority aforesaid, that in all cases in which any person shall be adjudged under this Act to be transported, the transportation

varnor, &c. by the advice of the Executive Council, shall direct.

tion of such person shall be to such place or places as the Governor, Lieutenant Governor or Person administering the Government shall, by the advice of his Majesty's Executive Council, direct and appoint.

Nothing in this Act to affect any Alien not above the age of fourteen years.

XX. And be it further enacted by the authority aforesaid, that nothing in this Act shall affect any Alien in respect of any act done or omitted, who shall make it appear that he or she was not above the age of fourteen years at the time of such act done or omitted.

Certificates of declarations to be given gratis.

And renewed gratis, in certain cases.

XXI. And be it further enacted by the authority aforesaid, that all certificates of declarations herein before required to be given by any person or persons whomsoever, shall be given without fee or reward: and if any such certificate, issued by virtue of this Act should be lost, mislaid or destroyed, and the Alien who so possessed the same shall make it appear to the satisfaction of the Magistrate or person, who had issued and granted the same, or in case of the death of such Magistrate or person, to the Secretary of the Province, that such certificate was lost, mislaid or destroyed without his or her neglect or default, and that he or she is the person named in such certificate, it shall and may be lawful for the Magistrate or person who granted the same, or in case of his death, for the said Secretary, and is hereby required to grant such Alien a fresh certificate gratis, which shall be of the like force and effect as the certificate so lost, mislaid or destroyed.

In all questions, whether the person is, or is not an Alien, the *onus probandi* to lie upon the person in respect of whom the question arises.

XXII. And be it further enacted by the authority aforesaid, that in all cases concerning the execution of this Act, when any question shall arise whether any person is or is not an Alien born, or not having obtained letters patent of denization, or not having been naturalized by Act of Parliament, or not being a subject of his Majesty, having become such by the conquest or cession of the Province of Canada, or whether such Alien did or did not arrive in this Province on or before the first day of May, one thousand seven hundred and ninety-two, or is or is not such a domestic servant as is before mentioned, the proof of being a natural born subject of his Majesty, his Heirs, and Successors, or of being a denizen by letters patent or of naturalization by Act of Parliament, or of being a subject of his Majesty, having become such by the conquest or cession of the Province of Canada, or of having arrived in this Province on or before the first day of May, one thousand seven hundred and ninety-two, or of being such a domestic servant as is herein mentioned, shall lie upon the person touching whom such question shall so arise.

Penalties to be levied on the offender's goods, &c. for want thereof he may be imprisoned.

Appeal allowed to the Quarter Sessions.

And no *Certiorari* allowed.

XXIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any Justice of the Peace, before whom any pecuniary penalties shall be recovered in pursuance of this Act, in case the same shall not be forthwith paid, to award and issue warrants of distress respectively, for the levying of such pecuniary penalties, upon the goods and chattels, of any offender or offenders, and to cause sale to be made of such goods and chattels, if they shall not be redeemed within fourteen days, rendering to such offender or offenders the overplus, (if any there be) and for want of sufficient distress, to imprison the party offending, till satisfaction is made; and that if either party think himself or themselves aggrieved, by any judgment or order, to be given or made, by any Justice of the Peace, acting in pursuance of this Act, touching any pecuniary penalty relating to the same, it shall and may be lawful to and for such person or persons to appeal from the same to the Justices assembled at the next General or Quarter Sessions to be holden for the district, where such judgment or decree shall have been made, who shall finally determine the same; and no writ of *Certiorari* shall be allowed to remove the proceedings of the said Justices, touching the pecuniary penalties aforesaid.

The party appealing, to give notice.

The Quarter Sessions to award costs.

XXIV. Provided always and be it further enacted, that the party or parties so appealing as aforesaid, shall give notice in writing, by the space of six days at the least, next before such Sessions shall be holden as aforesaid; unto the other party or parties, of his, her or their intention to bring such appeal; and that it shall and may be lawful for such Justices so assembled to award costs to either party, as they shall in their discretion think fit, to be levied by a warrant of the said Justices, or any two or more of them, on the goods and chattels of the party or parties against whom the same shall be awarded; provided also that in case there be not the space of six days between the first judgment or order of any Justice or Justices and the General or Quarter Sessions then next following, that then such appeal may be made at the second General or Quarter Sessions, after such judgment or order made.

Prosecution against persons for any thing done in execution of this Act, to be commenced within three months.

Defendant may plead the general issue.

And in case of non-suit, &c. to recover double costs.

XXV. And be it further enacted by the authority aforesaid, that if any person or persons shall, at any time, be sued or prosecuted for any thing by him or them done or executed in pursuance of or by colour of this Act, or of any matter or thing therein contained, such action or prosecution shall be commenced within the space of three months next after the offence shall be committed, and such person or persons shall and may plead the General issue, and give the special matter in evidence for his or their defence; and if upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or shall discontinue his or their prosecution, or if a judgment be given for the defendant or defendants, upon demurrer or otherwise, such defendant or defendants shall have double costs to him or them awarded, against the plaintiff or plaintiffs.

Parishioners to be competent witnesses

XXVI. Provided always, and be it further enacted, that the inhabitants of any parish, township, or place, shall be deemed and taken to be competent witnesses, for the purpose of proving the commission of any offence against this Act within the limits of such parish, township, or place, notwithstanding any part of the penalty incurred by such offence, is to be given or applicable to the use of the poor of such parish, township or place.

All subjects described in this section, to obey and perform the whole of what is directed, respecting Aliens, under similar penalties.

XXVII. And be it further enacted, that all and every subject of his Majesty, who since the tenth day of June, one thousand seven hundred and eighty-nine, hath resided in France for the space of six months, or who since the said tenth day of, June, one thousand seven hundred and eighty nine hath purchased or contracted for, in his own name, or to his own behalf, any lands or real estate, or any stock in the public funds of France, upon his or her arrival in this Province, after the passing of this Act, shall obey and perform all and every part of this Act which respects Aliens, and shall be liable and subject to all and every the pains and penalties, declared and enacted for disobedience and neglect, by any Alien herein before described: and the same powers and authority are hereby granted, to all and every person for the execution of this Act, respecting his Majesty's subjects aforesaid, as were and are granted for the execution of the same respecting Aliens aforesaid.

Subjects who may hereafter come into this Province, to make certain declarations, if they have resided in France.

XXVIII. And be it further enacted by the authority aforesaid, that all and every subject so described as aforesaid, who may come into this Province, after the passing of this Act, and is bound to declare his or her rank, occupation, and description, shall also at the same time, and by the same declaration, deliver his or her reasons for, and the cause of going into and residing in France, and for what period, and where resided, and what business followed, together with his or her reasons for coming into this Province, under and upon the pains and penalties in this Act declared against Aliens aforesaid, who come into this Province and neglect or refuse obedience to this Act.

Persons charged with, or suspected of high treason, may be committed to gaol, &c.

XXIX. And whereas a war is at this time carried on by the persons exercising the supreme authority in France, against his Majesty and his People, and various machinations have been practised to excite his Majesty's loyal and faithful subjects to dis-allegiance, and to create discontent and promote disturbance in this Province, wherefore it becomes necessary at this time to provide sufficient means to repel such evil designs, and secure the tranquility and prosperity of his Majesty's subjects residing in, and the permanent good Government of this Province; be it therefore further enacted by the authority aforesaid, that all and every person who have been, or shall hereafter be seized or taken in the act of high-treason, or who are or shall be charged with or suspected of the crime of high-treason, for such crime shall and may, by any Justice of the Peace, be committed to the common Gaol or other place of confinement, herein after provided for that purpose, and shall and may be thereupon secured and detained in safe custody, without bail or mainprize, until the first day of January, one thousand seven hundred and ninety-five, and from thence to the end of the then next Session of the Legislature of this Province: and that no Judge or Justice of the Peace shall bail or try such person or persons, without a warrant under the hand and seal of the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to be issued in his Majesty's Executive Council of this Province, any Law, Statute, Act, or Ordinance to the contrary notwithstanding.

The Governor, &c. may appoint places of confinement.

XXX. And whereas it may be necessary to provide for such prisoners within this Province, some other places of confinement besides the common gaol; be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, by warrant under the hand and seal of the Governor, Lieutenant-Governor, or Person administering the Government of this Province, to appoint one or more place or places of confinement within this Province, for the custody of such prisoners; and all and every Magistrate or Magistrates having competent authority in that behalf, are hereby authorised to commit such persons as aforesaid, to such place or places of confinement, so to be appointed, instead of the common gaol.

Persons exciting sedition, or in any manner disturbing the peace of the Government, to be arrested and committed to gaol.

XXXI. And be it further enacted by the authority aforesaid, that all and every person who shall hold seditious discourses, utter treasonable words, maliciously spread false news, publish or distribute libellous or seditious papers written or printed, tending to excite discontent in the minds, or lessen the affections of his Majesty's subjects, or in any manner disturb the peace and happiness enjoyed under his Majesty's Government in this Province, shall and lawfully may be seized, arrested, and detained by any Captain of Militia, Sheriff, Constable or Peace Officer, or by warrant under the hand and seal of any of his Majesty's Justices of the Peace, having authority within the town, parish, or district, where such offender may be, and by and under such warrant may be committed to the common gaol of such district, or where the offence was committed within this Province; and every person so committed, shall be held and detained in such gaol, until bailed by his Majesty's Chief Justice of the province, or one or more of the Judges of any of his Majesty's courts of King's Bench, or two or more of his Majesty's Justices of Oyer and Terminer and Gaol Delivery, or by warrant under the hand and seal of the Governor, Lieutenant-Governor, or Person administering the Government of this Province, directed to any of his Majesty's Justices of the Peace, any Law, Statute, Act, or Ordinance to the contrary notwithstanding.

To be fined & imprisoned for the first offence, and for the second to be transported.

XXXII. And be it further enacted by the authority aforesaid, that all and every person, so charged as aforesaid, shall and may be tried in any of his Majesty's courts of King's Bench, or courts of Oyer and Terminer and Gaol Delivery, to be held for the district where such crime and offence may be committed, and being found guilty thereof, may, by the Judges of such court, for the first offence, be adjudged to pay such

such fine, and to suffer such imprisonment, as the said court may sentence and decree, and upon enlargement shall find such reasonable security for good behaviour and for such period and time as the said court may direct; and upon a second conviction for the like offence, the said court may adjudge that such person, so found guilty as aforesaid, shall be transported and sent out of this Province for any period or time and under such rule and order, as the offence, whereof such person so convicted, shall deserve.

Persons returning from transportation, without permission from his Majesty, or the Governor, &c. to be deemed guilty of felony.

XXXIII. And be it further enacted by the authority aforesaid, that any person, who under sentence of transportation, and being transported out of this Province as aforesaid, shall return and be found at large within the same, contrary to such sentence of transportation, without permission first had and obtained from his Majesty, his Heirs or Successors, or from the Governor, Lieutenant-Governor, or Person administering the Government of this Province, shall, on conviction thereof in any of his Majesty's courts of King's Bench, or Courts of Oyer and Terminer, and Gaol Delivery, be adjudged guilty of felony, and shall suffer death as a felon without benefit of Clergy.

Application of the fines, forfeitures and penalties.

XXXIV. And be it further enacted by the authority aforesaid, that the fines, forfeitures, and penalties by this Act imposed, except the part granted to informers, shall be paid into the hands of his Majesty's Receiver General for this Province, by the person or persons receiving the same, to be applied by warrant under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government, to the purposes herein limited, and shall be accounted for to the Crown through the Commissioners of his Majesty's treasury for the time being as the Crown shall direct.

An abstract of this Act to be printed, and affixed at places of public resort.

XXXV. And be it further enacted by the authority aforesaid, that an abstract of the several regulations herein contained, relative to Aliens and persons who have resided or purchased property in France, as described in this Act, shall be printed in the English and French languages, and shall be publicly affixed in such places, as strangers usually pass through, on entering in this Province, and shall be notified by the Custom-house Officers, to the master or commander of every ship or vessel, and to all Foreigners who are on board the same, sailors excepted, on their arrival in this Province; but that it shall not be necessary for the conviction of any Alien or other Person offending against this Act, to prove such personal notification.

Continuance of this Act.

XXXVI. And be it further enacted by the authority aforesaid, that this Act shall have continuance, until the first day of January, one thousand seven hundred and ninety-five, and from thence to the end of the then next Session of the Legislature of this Province, and no longer.

C A P. V I.

An Act for the division of the Province of Lower-Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned.

MOST GRACIOUS SOVEREIGN,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the Legislative Council and Representatives of your People of the Province of Lower-Canada, having taken into our most serious consideration the message communicated to us last Session, by his Excellency the Lieutenant Governor, then your Majesty's Commander in Chief of this Province, recommending a plan, for altering and amending the Judicature thereof, and for establishing a due and uniform administration of justice therein, and having maturely deliberated upon the means, recommended in the said message, for securing to your People in this Province the important objects of your Majesty's