

C A P. LIII.

AN Act to secure to and confer upon certain Inhabitants of this Province, the Civil and Political rights of natural born British subjects.

31st March, 1831.—Presented for His Majesty's Assent and reserved "for the signification of His Majesty's pleasure thereon."

12th April, 1832.—Assented to by His Majesty in His Council.

5th June, 1832.—The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

Preamble.

WHEREAS it is expedient to remove by law doubts that may have arisen as to the Civil Rights and Titles to Real Estate of some of the persons hereinafter mentioned, and to provide by some general law for the naturalization of such persons not being by law entitled to be regarded as natural born subjects of His Majesty, as are actually domiciled in this Province: 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 all persons who have at any time received grants of land in this Province from the Crown, and all persons who have held any public office in the Province under the Great Seal of the Province, or under the Seal at Arms and Sign Manual of the Governor, Lieutenant Governor or person administering the Government of the Province, and all persons who have taken the Oath of Allegiance, or being of the persons who by the laws of this Province are allowed to affirm in civil cases, have made the affirmation of allegiance to His Majesty, or His Majesty's predecessors, before any person duly authorized to administer such oath or affirmation, and all persons who had their settled place of abode in this Province before the year of Our Lord one thousand eight hundred and twenty-three, and are still resident therein, shall be, and are hereby admitted and confirmed in all the privileges of British birth, and shall be deemed, adjudged and taken to be, and so as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit any real estate in the Province of Lower Canada, or any right, title, privilege or appurtenance thereto, or any interest therein, to have been natural born subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in His Majesty's United Kingdom of Great Britain and Ireland, and that the children

Certain Persons entitled to the privileges of British Birth and may hold real Estate as if born in the Kingdom of Great Britain and Ireland.

or

Proviso.

or more remote descendants of any person or persons of either of the foregoing descriptions who may be dead, shall be, and are hereby admitted to the same privileges which such parents or ancestors if living could claim under this Act; Provided nevertheless, that none, (except females) of either of the above description of persons who has not taken the oath or being of those persons who are allowed by the laws of this Province to affirm in civil cases, has not made the affirmation of allegiance before some person duly authorized to administer the same, shall be entitled to the benefits of this Act, unless he shall take the said oath or affirmation (as the case may be) before some person duly authorized to administer the same.

Persons actually domiciled in this Province on the 1st March, 1831, not being of the description of persons before mentioned, and who may have resided seven years in this or in any of His Majesty's Dominions and may hold real Estate to be considered as of natural born subjects.

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II. And be it further enacted, that all persons actually domiciled in this Province, on the first day of March, one thousand eight hundred and thirty-one, not being of either of the descriptions of persons before mentioned, who shall have resided or shall continue to reside therein, or in some other part of His Majesty's Dominions, until they shall have been resident inhabitants of His Majesty's Dominions for the space of seven years continually, without having been during that time stated residents in any Foreign country, shall be deemed and adjudged and taken to be, and so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit any real estate in this Province, or any right, title, privilege or appurtenances thereto, or any interest therein, to have been natural born subjects of His Majesty to all intents, constructions and purposes whatsoever, as if they and every of them had been born within this Province: Provided nevertheless, that no one of the persons described in this clause (except females) who at the passing of this Act has been resident in His Majesty's Dominions seven years continually as aforesaid, shall be entitled to the benefits of this Act, unless within three years from and after the passing of this Act, if at the said passing of the Act, he shall be of the age of eighteen years or upwards, (or if he shall not at the said passing of the Act be of the said age, then within three years after he shall attain the said age,) he shall take and subscribe the oath in the Schedule to this Act annexed, marked (A.) or being of those persons who are allowed by the laws of this Province to affirm in civil cases, shall make affirmation to the same effect before the Clerk of the Peace of some District or the Registrar or his Deputy or Clerk of some County in this Province, and that no one of the persons described in this clause, who has not been resident as aforesaid, seven years continually in His Majesty's Dominions, shall be entitled to the benefits of this Act, unless within three years after he shall have completed a stated residence of seven years continually as aforesaid, in His Majesty's Dominions, (if at the completion of such residence he shall be of the age

III.

of eighteen years or upwards, or if at that time not of that age, then within three years after he shall have attained that age) he shall take and subscribe such oath or make such affirmation.

Penalty on
person, falsely
swearing.

III. And be it further enacted, that any person who shall wilfully swear falsely or make false affirmation in making the said oath or affirmation before the Clerk of the Peace or such Registrar, his Deputy or Clerk, under the provisions of this Act, shall be deemed guilty of wilful and corrupt perjury, and that every such person shall on conviction thereof, forfeit all the privileges and advantages which he would otherwise by such oath or affirmation have been entitled to under this Act, but that the rights of others in respect to estates derived from or held under such persons shall not be hereby prejudiced.

Clerk of the
Peace, &c. to
administer the
oath, and keep
books of re-
gistry.

IV. And be it further enacted, that the Clerk of the Peace of each and every District or the Registrar or his Deputy or Clerk in each County in this Province, shall administer the oath or affirmation by this Act required, to any person above the age of eighteen years, who shall desire to take the same, and shall keep books of registry, in the beginning of which shall be written the oath or affirmation required by this Act, and which shall contain the columns and the specifications described in the second Schedule to this Act annexed, marked (B.) and that in the column appointed for that purpose, the person making the oath or affirmation shall set his signature, or if unable to write, his mark in the same line of the register in which entry is made of the name and description of of such person.

Duplicate
books of regis-
try to be
kept, both to
be original.

V. And be it further enacted, that duplicate books of such registry shall be kept, both of which being original, shall contain the actual signatures or marks of the person subscribing, and that on or before the thirty-first day of December, in each and every year, the Clerk of the Peace and the Registrar, his Deputy or Clerk, shall transmit one of the said originals to the Secretary of the Province for the time being, and that the books of registry shall remain and be preserved as public records in the said offices respectively.

If either of
the original
registers is
lost, a copy to
be taken from

VI. And be it further enacted, that if from any casualty or otherwise, either of such original registers, or any part thereof, shall be lost or destroyed, it shall be supplied by a copy taken from the other original of such register remaining in the office of the Clerk of the Peace, Registrar of the County or Secretary of the Province, (as the case may be,) and attested as a true copy upon the oath of the officer
having

the original
remaining in
the Clerks'
office.

having custody of the same, made before any Commissioner for taking affidavits in the Court of King's Bench, which copy so attested, shall be regarded to all intents and purposes as the original register.

Extract of
entry, certifi-
ed by the
Clerk of the
Peace, &c.
to be taken
as sufficient
evidence of
naturalization

VII. And be it further enacted, that a copy or extract from any book of registry made under the authority of this Act of the whole entry made in such register, with respect to any person whose name is recorded therein, certified by the Clerk of the Peace, Registrar or the Secretary of the Province, for the time being, or their respective Deputy or Deputies, shall be deemed and taken to be sufficient evidence of the naturalization of the person therein described.

Clerk of the
Peace, &c. in
transmitting
books of regis-
try to the
Secretary of
the Province,
shall verify
the same on
oath.

VIII. And it further enacted, that whenever any Clerk of the Peace or Registrar or his Deputy or Clerk, shall transmit any book of registry to the Secretary of the Province, as hereinbefore provided, he shall at the end of such book of registry verify the same on oath, to be taken before some one of His Majesty's Justices of the Peace, in which the said Clerk of the Peace, Registrar or his Deputy or Clerk, shall severally depose, that to the best of his knowledge and belief, such book of registry forms a true and correct record of the statements made to him by the several persons therein described, and which they severally verified by oath or affirmation taken before him or them.

After the 1st
January, 1850
no further oath
to be adminis-
tered for the
purposes of
being natura-
lized.

IX. And be it further enacted, that after the first day of January in the year of Our Lord, one thousand eight hundred and fifty, no further oaths shall be administered or proceedings had for the purpose of being naturalized under this Act.

Penalty on
the Clerks of
the Peace, &c.
neglecting to
attest the
truth of any
record, &c.

X. Provided always, and be it further enacted, that if any person to whom it shall belong to attest the truth of any such record, shall neglect or omit to attest the same in manner aforesaid, he shall forfeit and pay the sum of twenty-five pounds current money of this Province, to be recovered by information in His Majesty's Court of King's Bench; but such omission shall not prejudice the right of any person who may have taken the oath or made the affirmation required by this Act, or preclude him from receiving a certificate or extract, according to the provisions thereof.

A general al-
phabetical list
of the names,
&c. recorded
in the books of
registry, to be
kept by the
Secretary of

XI. And be it further enacted, that a general alphabetical list shall be made and kept by the Secretary of this Province, and by the several Clerks of the Peace, Registrar or their Deputies or Clerks, of the surnames and christian names of all persons whose names and descriptions are recorded in the several books of registry, referring to their place in such books respectively, and that such books and lists
extract

the Province shall be open at all times to inspection during the hours of business in such office, and that any person desirous of searching in the said list or books, shall pay to the officer keeping the same, one shilling currency, for each person whose name he shall desire to search for.

Fees allowed to the Clerk of the Peace, &c. for copies of entries, &c.

XII. And be it further enacted, that for administering the oath of affirmation as aforesaid, making the entry required by this Act, and giving a certified copy or extract of such entry, the Clerk of the Peace, the Registrar or his Deputy or Clerk shall be entitled to demand and recover from every person making such oath or affirmation, the sum of five shillings currency, and that the Clerk of the Peace, or Registrar or his Deputy or Clerk, and the Secretary of the Province, shall be entitled to demand and receive for searching and giving such extract at any other time, the sum of one shilling currency, and that no more or other fees than are expressly allowed by this Act shall be demanded or received for any services done under this Act, by any of the officers above named.

Persons domiciled in this Province and dying before the period of taking the oath, such persons may be deemed natural born subjects for holding real estate.

XIII. And be it further enacted, that if any person not entitled to be regarded as a natural born subject of His Majesty, who at the time of the passing of this Act, was domiciled in this Province, shall die before the period limited by this Act for his taking the oath according to the provisions thereof, such person shall be nevertheless deemed to have been a natural born subject of His Majesty, so far as regards the taking, holding, imparting and transferring of any real estate by sale, grant, marriage, dower, devise or inheritance.

No persons to be disturbed in possession of any lands on the ground of having been an alien, &c.

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XIV. And be it further enacted, that from and after the passing of this Act, no person shall be disturbed in the possession, or shall be precluded from the recovery of any lands, tenements or hereditaments in this Province, on the ground of his or her being or having been an Alien, or on the ground of any person from or through whom he or she may claim, being or having been an Alien. Provided the person against whom such disability shall be so objected, was a resident in this Province on the first day of January in the year of Our Lord one thousand eight hundred and twenty-eight, and was then actually under the age of eighteen years.

Persons claiming to hold on account of any person nearer in the line of descent having been an alien, how the claim of such persons is to be considered.

XV. And be it further enacted, that in all cases where any person claiming to hold as next entitled on account of any person nearer in the line of descent having been an Alien, shall in virtue of such claim have taken actual possession of any Real Estate before the said first day of January, one thousand eight hundred and twenty-eight, and have made improvements thereon; and also, in all cases where any person claiming to hold as next entitled on account of the person nearer in the line of descent having been an Alien, shall have actually contracted to sell or depart with his real estate, before the said first day of January, one thousand eight hundred

hundred and twenty-eight, no person being at that time in adverse possession of the same, the provisions of this Act shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not passed.

(A.)

Form of the
oath.

I do swear (or being one of the persons allowed by Law to affirm in Civil cases, do affirm,) that I have resided seven years in His Majesty's Dominions, without having been during that time a stated resident in any Foreign Country, and that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as dependant thereon.

(B.)

Name.	Present Residence.	Addition degree or occupation.	Signature.	Date of Registry.	Number of Entry.