

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and continued by several Prorogations to the Eighth day of June, 1798; in the Thirty-eighth Year of the Reign of Our Sovereign Lord George The Third of Great-Britain, France, and Ireland, being the Sixth Session of the Seventh General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

38 George III – Chapter 1

An Act respecting Aliens coming into this Province, or residing therein.

Whereas it is, at present, necessary, for the safety and tranquility of this province, to prevent, under certain limitations and restrictions, persons, not being natural born subjects of His Majesty, or denizens, nor persons duly naturalized, from resorting to, and residing within, this province:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that, from and after the publication of this act, no alien, now residing within this province, or who shall, hereafter, during the continuance of this act, come to reside therein, shall be permitted to be, and remain, within this province, without a special permit, under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may appoint to grant the same.

II. And be it further enacted, that any such alien, as aforesaid, desirous to attain such permit, shall make his application to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in writing; stating therein his name, age, place of nativity, rank, and occupation, with the time, and manner, of his arrival in this province, and the place of his residence: and such alien shall, also, make due proof, that during the time of his residence within this province, he has demeaned himself in conformity to the laws thereof; and, thereupon, the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, if the proof shall be satisfactory to him, may, and shall, grant a permit to such alien, as aforesaid, to be, and remain, within such town, and place, within this Province, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall think fit and proper. Provided nevertheless, that such alien, previous to his receiving the permit as aforesaid, shall enter into a bond, with sufficient surety, in such sum as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may think necessary: conditioned for the good behavioiur of such alien, and for his not violating his permit.

III. And be it further enacted, that if any alien, as aforesaid, shall not obtain a permit, as above directed, or shall violate his permit by travelling, residing, or being in any place, contrary to the tenor thereof, or shall, by any seditious writing, or speaking, or in any other way, intermeddle with, or disturb, His Majesty's government within this province, such alien shall, on conviction thereof, be sentenced to imprisonment during the continuance of this

act, or pay such fine as shall be imposed on him, by the court before whom he shall be convicted, as aforesaid; and be transported beyond His Majesty's dominions in America, to such place as the Governor, Lieutenant-Governor, or Commander in Chief, may think proper to direct.

IV. And be it further enacted, that in all cases, against an alien, for any of the causes aforesaid, whose residence within this province commenced since the first day of May, in the year of our Lord one thousand seven hundred and ninety three; the proof of his having a permit, as aforesaid, or having conformed thereto, shall be on such alien.

V. And be it further enacted, that it shall not be lawful for any person or persons, within this province, to harbor, entertain or conceal, any alien, knowing him to be such, or having such just reason to suspect the same; without giving notice thereof, in writing, to some judge of the supreme court, court of common pleas, or one of His Majesty's justices of the peace, within twenty-four hours after such alien shall have been so harbored, or entertained, as aforesaid; on pain of forfeiting, for each and every offence, the sum of one hundred pounds, to be recovered, and applied, as is herein after directed.

VI. And be it further enacted, that every master or commander of any ship or vessel, which shall come into any port or harbour, within this province, shall, immediately on his arrival, make report in writing, to the collector, or other chief officer of the customs; and, in places where there may be no such officer, to one of His Majesty's justices of the peace, of all passengers on board his vessel, or which may have arrived in her; specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong, and owe allegiance, their occupation, and a description of their persons, as far as he shall have been able to obtain information thereof; and, on neglect thereof, every such master or commander shall forfeit, and pay, for each and every offence, twenty pounds; for the payment whereof, such vessel shall be holden, and may, by such collector, or other officer of the customs, or justice of the peace, be detained; and the said collector, or other officer of the customs, or justice of the peace, shall transmit, by the first conveyance, to the secretary of the province, true copies of all such reports, as aforesaid; and shall also report the same to the person within his district, if any such shall be appointed, who are authorised, as aforesaid, to grant permits.

VII. And be it further enacted, that it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, whenever he may deem it necessary for His Majesty's service in general, or the safety of this province in particular, to remove, without this province, any alien who may or shall be imprisoned under this act: any thing herein contained to the contrary notwithstanding; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, to send, or remove, out of this Province, all such aliens as he shall judge dangerous to the peace or safety of this province, or shall have reasonable cause to suspect are concerned in any treasonable practices, or secret machinations, against the government of this province, or any other within His Majesty's

dominions: notwithstanding such alien may have obtained a permit agreeably to the provisions of this act.

VIII. And be it further enacted, that if any alien who shall be sent, or removed, without this province, as aforesaid, shall return thereto, or be found therein, during the continuance of this act, every such alien, on conviction thereof, shall be deemed guilty of felony, without benefit of clergy.

IX. And be it further enacted, that each and every justice of the peace, in the respective counties within this province, are hereby authorised and required to summon, and, in case of non-appearance, to apprehend all and every person or persons suspected of being aliens as aforesaid: and if it shall appear to the said justice, on due examination, that the person or persons so suspected, are aliens, and have not complied with the provisions of this act, it shall and may be lawful for the said justice to commit the said alien to the county goal, there to remain until he shall be discharged by due course of law.

X. And be it further enacted, that the supreme court, and courts of common pleas, in their respective counties, shall respectively have cognizance of all crimes and offences against this act, saving, and except, the crime of returning to this province, after having been sent, or removed, therefrom, the cognizance whereof shall wholly, and only, appertain to the supreme court; and all penalties and forfeitures, recovered under this act, shall be applied, the one half to the informer, and the remainder for the use of His Majesty's government within this province.

XI. And be it further enacted, that this act shall continue in force for one year, and from thence until the end of the next session of General Assembly.