

## C A P. III.

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.

(21th, March, 1811.)

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 tranquillity, 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 or 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 he 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.

To be recovered before any two Justices of the Peace.

II. And be it further enacted by the authority aforesaid, that the Master or Commander of every ship or vessel, to 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, who 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, on confession of the party, or on the oath of one or more credible witness or witnesses; and in case such

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

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 said penalty shall have been 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.

Every Alien to report himself to the nearest justice of the Peace.

IV. And be it further enacted by the authority aforesaid, that every Alien who, from and after the day on which this Act shall be passed, 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 to lodge a declaration in writing with the Clerk of the Peace nearest to their residence, within 30 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 in this Province after the first day of May one thousand seven hundred and ninety two, and may reside within the same, at the passing of this Act, shall within thirty days there from, declare in writing if such Persons have not already made such declaration, 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 he or she is a domestic servant, then also the name, rank, occupation or description of this or her master or mistress: and shall also in like manner declare the country or countries, place

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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 declaration, are, upon conviction to be adjudged to depart out of the province, if after ward 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 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 judgement 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, in manner as is herein after enacted.

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

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

before them to  
the Secretary of  
the Province.

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 current money of this Province 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 goals 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 by 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, found therein to be transported for life.

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 of King's Bench, or courts of Oyer and Terminer and General Goal 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 thereon after such time in such judgment to 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 Goal Delivery, be transported for life in manner as is herein after enacted.

Aliens may be required by justices of the Peace to exhibit the certificate of their declaration, and for the want thereof may be committed to goal, &c.

Notice thereof to the justice, under the penalty of five pounds.

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 and 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, current money of this Province to be levied and applied as other penalties are herein before directed.

Magistrates may require of any house Keeper, an account of any Alien residing in his House.

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

Though no Alien resident be must make return. Penalty.

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, every such house-keeper, being lawfully convicted thereof, by his or her confession or on the oath of one or more credible witnesses or witnesses, before any two or more of his Majesty's Justices of the Peace, shall forfeit and pay the sum of ten pounds current money of this Province 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 if such person shall make a false report or certificate on being thereof convicted, as aforesaid, he or she shall forfeit and pay the sum of fifty pounds likemoney 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 twenty shillings likemoney 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 situated.

Persons counterfeiting a certificate, or obtaining it under a different description than that declared or falsely performing 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.

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

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

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 Goal 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 Goal Delivery, be transported for life in manner as is herein after enacted.

XV. And be it further enacted by the authority aforesaid, that in every case in which power is given by this Act to commit any Alien to any 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 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 Justices 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 goal 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

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.

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

XVIII. And be it further enacted by the authority aforesaid, that if any Alien adjudged under this Act, 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, or of the Governor, Lieutenant Governor, or Person administering the Government, such permission being under his hand and seal, 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 felon, without benefit of clergy.

Transportation to be to such place as the Governor &c. by the advice of the Executive Council shall direct.

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 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 shall affect any Alien not above the age of four 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.

Certificate of declaration to be given gratis.

And renewed gratis, in certain cases.

XXI. And be it further enacted by the authority aforesaid, that all certificates of declaration 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 he 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 up on 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

the first day of May, one thousand seven hundred and ninety-two, 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 unless Penalty exceed £10.

The party appealing, to give notice.

The Quarter Sessions to award costs.

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, from the date of such warrant of Distress, 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 order shall have been made, who shall finally determine the same; provided the said Appeal be made and entered within fourteen days from the date of such judgment or order and that the Appellant do first give security for the value of such pecuniary penalty and the costs of the Appeal and no *Certiorari* shall be allowed to remove the proceedings of the said Justices, touching the pecuniary penalties aforesaid, unless they exceed ten pounds current money of this Province.

XXIV. Provided always, and be it further enacted, that the party or parties so appealing as aforesaid, shall give notice in writing, within 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 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-sued, 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.

XXXVI. 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, by the authority aforesaid, 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, 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.

Subjects of his Majesty who have voluntarily entered into France &c. to be subject, on their arrival in his Province, to the same regulations as Aliens.

XXIX. And be it further enacted by the authority aforesaid, that all and every subject of his Majesty who, now is resident in, or who from and after the passing of this Act, shall voluntarily enter into France, or any part of the Dominions thereof, or into any country in alliance with France, or any part of the Dominions of such country, or into any country in the occupancy or under the controul of the arms of France or of her Allies, shall, upon his or her arrival in this Province, obey and perform all and every part of the present Act, and shall be liable and subject to all and every the pains and penalties hereby declared and enacted for disobedience and neglect by any Alien herein 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, and in every other respect, as are here by granted for the execution of the same, respecting Aliens.

Aliens &c. to enter the Province at such frontier posts as Governor, &c. shall designate and appoint, and then to give a designation of their names, &c.

XXX. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant Governor, or person administering the Government of this Province, from time to time, by and with the advice and consent of His Majesty's Executive Council, by Order or Orders, Proclamation or Proclamations to be issued and published, to require Aliens of any description, and all or any other person or persons as shall in such Order or Orders, Proclamation or Proclamations be described, coming into this Province by land or inland navigation, to enter the same by such Frontier Post or Posts, or Place or Places only as shall therein be designated, and at such Frontier Posts or Places to make unto such person or persons, and at such place, house or Office as shall be appointed for that purpose by the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, a declaration of their names and professions, with such particulars respecting their past or late residences and their object for wishing to enter this Province, as well as such other particulars as shall of them be required by instructions under the signature of the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, to the person or persons so to be appointed to receive such declaration; and no Alien or other person of any such descriptions as shall be contained in any such Order or Orders, if by such Proclamation or Proclamations, Order or Orders, by and with the advice and consent of the said Executive Council, it shall be so directed, shall pass inward into this Province beyond such Frontier-Posts or places so designated, without a passport from the person or persons so appointed, which passport may be given or suspended till the pleasure of the Governor, Lieutenant Governor or person administering the Government thereon shall be signified to the persons before whom the declaration above required shall be made, and such passport when given, shall specify the place to which it is meant to extend, and allow a reasonable time for such Alien or other person as aforesaid to proceed thither, who, upon his arrival there or within three hours thereafter, shall produce such passport to a Justice of the Peace or to such other person as shall be appointed for that purpose by the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, and every Alien or other person of any such description as aforesaid, who shall wilfully neglect or refuse to make declaration

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ration of the aforesaid particulars, or either of them, or who shall knowingly make any false declaration thereof, or shall otherwise act contrary to any of the requirements or obligations hereby imposed, shall, for every such offense, be apprehended by the warrant of any one of his Majesty's Justices of the Peace of the District in which such Alien or other person as aforesaid shall be found, and committed to the Gaol of such District, and on conviction before any two or more of his Majesty's Justices of the Peace for any District of this Province, shall be imprisoned for any time not exceeding one month,

Governor, &c.  
empowered to de-  
tain Aliens, &c.

XXXI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by warrant under his hand and seal issued by and with the advice of his Majesty's Executive Council, to order any Alien to be detained in custody in this Province in such place and in such manner as the Governor, Lieutenant Governor or person administering the Government of this Province for the time being shall see fit, during the continuance of this Act, or until such Governor, Lieutenant Governor or person administering the Government of this Province for the time being, shall give other order to the contrary. Provided always, that no Alien shall so be imprisoned, unless it shall, by the advice of the said Executive Council, be declared in such warrant that it is dangerous to the security of this Province to send and transport such Alien out of the limits thereof.

Proviso.

Application of  
the fines, forfei-  
tures and penal-  
ties.

XXXII. 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 af-  
fixed at places of  
public resort.

XXXIII. 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.

XXXIV.

Continuance of  
this Act.

XXXIV. And be it further enacted by the authority aforesaid, that this Act shall have continuance, until the first day of January, one thousand eight hundred and twelve, and from thence to the end of the then next Session of the Provincial Parliament and no longer.

This Act may be  
altered during  
the present Ses-  
sion of the Legis-  
lature.

XXXV. And be it further enacted by the authority aforesaid, that this Act, may be altered, amended or repealed by any Act or Acts, to be made in this present Session of the Legislature.

## C A P. IV.

AN ACT for declaring Judges to be disabled and disqualifying them, from being elected, or from sitting and Voting in the House of Assembly.

(21st March, 1811.)

Preamble.

WHEREAS it is expedient to make effectual provision for excluding Judges of His Majesty's Courts of King's Bench within this Province from being elected or sitting and voting in the House of Assembly of 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 of the Parliament of Great Britain passed in the thirty first year of His Majesty's Reign, 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 from and after the passing of this act, no person who shall be a Judge of either of His Majesty's Courts of King's Bench within this Province, shall be capable of being elected or of sitting, or voting, as a Member of Assembly in any Provincial Parliament.

Judges of His  
Majesty's Courts  
of King's Bench  
disqualified from  
being elected or  
of sitting or vot-  
ing as members  
of Assembly.

## C A P. V.

AN ACT further to continue the Acts therein mentioned for making a temporary provision for the Regulation of Trade between this Province and the United States of America, by land or inland-navigation.

(21st March, 1811.)

Preamble.

WHEREAS an Act was passed in the thirty-sixth year of His Majesty's Reign, intituled, " *An Act for making a temporary provision for the Regulation of Trade* "