

*The Provincial Statutes of Lower-Canada, Being the third session of the Third Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1803.

43 George III – Chapter 2 (Session 2)

**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. (11th, August, 1803.)**

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 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 ship or vessel, and also specify their names and respective rank, occupation or description, as far as he shall be informed thereof.

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 inch [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.

III. And be it further enacted by the authority aforesaid, that every Alien who shall arrive in any port or place in the 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, 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 the 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.

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 day therefrom, declare in writing if such Persons have not already make 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 [Trois-Rivières], 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 headmaster 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.

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 judgement 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 a manner as is herein after enacted.

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.

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.

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.

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, to 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.

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

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 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 there. of 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.

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 direct, 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 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 witness or witnesses, before any 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 neglect 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; 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, to be recovered in manner aforesaid; one moiety of such penalties respectively to be 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.

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 judgement; and if such person shall be found therein, after such time in such judgement 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 enacted.

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 goal, without bailing or mainprize, until delivered by due course of law, it shall and may be lawful for any of the Justices of any of 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 alleged 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 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 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 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 for 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.

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.

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 year at the time of such Act done or omitted.

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, 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.

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 and Alien born, or not having obtained letters patent of denization, or not having been naturalized by the 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.

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 districts, 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 districts, 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, unless they exceed ten pounds.

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 General Sessions the next following, that then such appeal may be made at the second General or Quarter Sessions, after such judgment or order made.

XXV. And be it further enacted by the authority aforesaid, that if and person or persons shall, at any time, be sued or prosecuted for any thing by him or them done or executed in the 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 demurer or otherwise, such defendant or defendants shall have double costs to him or them awarded, against the plaintiff or plaintiffs.

XXVI. Provided always, and be it further enacted, the inhabitants of any parish, township, or place, shall be deemed and taken to be competent witnesses, for the purpose or 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.

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 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.

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 reuse obedience to this Act.

XXIX. 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.

XXX. 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 be necessary for the conviction of any Alien or other Person offending against this Act, to prove such personal notification.

XXXI. 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 four, and from thence to the end of the then next Session of the Provincial Parliament and no longer.