

The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 20

An Act establishing Regulations, respecting Aliens. (22 March, 1817.)

Whereas the overthrow of the Usurper in France, and the restoration of the House of Bourbon, has caused many discontented adventurers, and mischievous agitators, to throw themselves into the neighbouring States, and that it is expedient that they should be prevented from coming into, and residing within this Province, without some restriction; 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 aforesaid, that from and after the passing of this Act, and during the continuance thereof, it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, and he is hereby authorized by warrant under his hand and seal, to order and direct, that any Alien, being a native of France, who may have resided therein at any period since the first day of January, which was in the year of our Lord, one thousand seven hundred and ninety-three, and who may have borne arms, or held any office, civil or military, in the service of the power or powers, person or persons governing France, and the colonies, territories, or dependencies thereof, at any time during the revolution and troubles therein, since the said first day of January, one thousand seven hundred and ninety-three, and who may hereafter come into this Province during the continuance of this Act, to be arrested, imprisoned and kept in safe custody, for and during any space of time, not exceeding two months. Provided always, that it shall and may be lawful to and for the said Governor, Lieutenant-Governor or person administering the Government of this Province, at any time for and during the said period of two months, by warrant under his hand and seal, to send and convey such Alien, as aforesaid, out of this Province.

II. And in order more effectually to prevent any aliens of the description aforesaid, from resorting to or residing in this Province, be it further enacted, that it shall and may be lawful to and for any one of His Majesty's Justices of the Peace, in any part of this Province, at any time, during the continuance of this Act, to demand and require any Alien being a native of France who may have come into this Province, to make a declaration in writing of his or her name, rank, occupation or description, or if a domestick servant then also the name, rank, occupation or description of his or her master or mistress, also the country or countries, place or places where he or she shall have resided since the said first day of January, one thousand seven hundred and ninety-three, and of the manner in which he or she has been employed during the said period, and if upon such declaration or upon any satisfactory information, on oath, before such Justice of the Peace, it shall appear that such alien is of the description before mentioned, then and in that case, it shall and may be lawful for such Justice of the

Peace to commit such alien for safe custody to the common goal of the District, and it shall be the duty of such Justice of the Peace and he is hereby enjoined and, required, to transmit without delay, the declaration so received and taken by him, together with an account of his proceedings thereon, to the Governor, Lieutenant-Governor or person administering the Government of this Province, to the end that the said alien may be dealt with, as in and by this Act is declared and provided.

III. 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 a native of France, or may or may not have resided in France, at any period since the first day of January, one thousand seven hundred and ninety-three, or may or may not have borne arms, or may or may not have held any office civil or military in the service of the power or powers, person or persons governing France, and the Colonies, Territories or Dependencies thereof, at any time during the Revolution and Troubles therein, since the said first day of January, one thousand seven hundred and ninety three, or hath or hath not come into this Province during the continuance of this Act, the onus probandi with respect to every fact which in any such question shall exempt such person or persons respectively from the operation of this Act, shall be, upon the person, touching whom such question shall arise.

IV. And be it further enacted by the authority aforesaid, that this Act shall continue in force until the first day of May, which will be in the year of our Lord, one thousand eight hundred and eighteen, and no longer.