

Parish may in any manner be affected, nor in any case wherein a pecuniary penalty, or any part thereof, shall be given to the use of the Poor of such Town or Parish, or otherwise, for the benefit or exoneration of such Town or Parish.

CAP. V.

An Act to amend and explain an Act, intituled *An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provision for the same.* 1 W. 4, c. 9.

Passed 7th March 1846.

WHEREAS by an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provisions for the same*, it is enacted, that it shall and may be lawful for the Justices of the Peace in their General Sessions, to divide each Town or Parish into as many Districts as shall be thought necessary, and that a sufficient Pound shall be built in each District; and in case the inhabitants of such Districts shall not build the Pound by subscription or otherwise, the Justices may authorize an assessment upon the inhabitants of such District for the building of a Pound: And whereas in several Districts where Pound Keepers have been appointed, and when no such Pounds have been built, the said Pound Keepers have been in the habit of using barns, barn yards and other enclosures as Parish Pounds, for the impounding of horses, swine, sheep and other domestic animals found trespassing, contrary to the provisions of the above in part recited Act: And whereas doubts have arisen with regard to the legality of such proceedings;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That nothing contained in an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provisions for the same*, shall prevent or be construed to prevent any Pound Keeper in any District of any Parish in this Province, where no Public Pound has been built, or having been built shall not be in a proper state of repair, from using a proper barn, barn yard, or other proper enclosure, as a Pound for the time being.

II. And be it enacted, That all the other provisions of the above in part recited Act shall be as applicable to a barn, barn yard, or other proper enclosure, when so used as a Pound, as they are to any Public Pound erected under the provisions of the fifth section of the same.

Barns, barn yards or enclosures may be used as Pounds where such are not provided.

Provisions of 1 W. 4, c. 9, to apply to barns, &c. so used.

CAP. VI.

An Act to repeal *An Act to revive and continue an Act for the naturalization of Aliens in this Province*, and to make further provision for the same.

Passed 7th March 1846.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to revive and continue an Act for the naturalization of Aliens in this Province*, be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, all persons of foreign birth who have inhabited and resided in this Province for the space of seven years or more previous to the time of the passing of this Act, and shall not have been, during such period of seven years, stated residents in any Foreign Country, and who shall at any time within three years after the time of the passing of this Act take and subscribe the oath of allegiance and residence, or being

8 v. c. 106, repealed.

Aliens resident in the Province for seven years, taking the oath prescribed in the Schedule, to have the privileges of natural born subjects.

one of the persons allowed by Law to affirm in civil cases, affirmation prescribed in the Schedule to this Act, if they be of full age of sixteen years at that time, and if not at the full age of sixteen years at the time of the passing of this Act, then within three years from their attaining that age, before any Judge of the Supreme Court of this Province, shall be deemed, adjudged and taken to be entitled to all the privileges of Her Majesty's natural born subjects, to all intents, constructions and purposes as if they and every of them had been or were born in Her Majesty's Dominions; which said oath or affirmation and subscription any of the said Judges is hereby authorized and empowered to administer and take: and the taking and subscribing of every such oath or affirmation shall be before any such Judge in open Court, either at Bar or Nisi Prius, between the hours of nine and twelve in the forenoon; and such subscription shall be made in a book to be kept for that purpose; and such Judge shall cause a certificate or return thereof to be transmitted to the Office of the Secretary of the Province, and such Secretary shall cause an entry of such certificate or return to be made in a book to be kept for that purpose in his Office.

Certificate under the Seal of the Province to be sufficient evidence.

III. And be it enacted, That a testimonial or certificate under the Seal of this Province, of such Alien having taken and subscribed the said oath or affirmation, shall be deemed and taken to be a sufficient testimony and proof thereof, and of his or her being entitled to all the privileges of a natural born subject of Her Majesty, to all intents and purposes, and in all Courts whatsoever.

False swearing as to residence to be deemed perjury.

IV. And be it enacted, That if any person taking and subscribing the oath or affirmation required by this Act, shall falsely swear or affirm as to the fact of residence in such oath or affirmation contained, such person so falsely swearing or affirming shall be deemed guilty of perjury, and shall be liable to the pains and penalties incident by Law to the crime of perjury; and moreover upon conviction of such offence, shall be adjudged to have forfeited and lost, and shall forfeit and lose all the privilege of a natural born subject, to which he or she might otherwise have been entitled by virtue of having been naturalized under this Act.

SCHEDULE.

FORM OF OATH.

Form of 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 this Province, 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 dependent thereon.—So HELP ME GOD."

CAP. VII.

An Act to alter the Division Line between the Counties of Westmorland and Albert, and also certain Parish Lines in the said County of Albert.

Passed 7th March 1846.

Preamble.

S V. c. 104.

‘WHEREAS in and by virtue of an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to divide the County of Westmorland into two Counties, and to provide for the Government and Representation of the new County*, part of the old Parish of Salisbury, formerly included in Westmorland, is now included within and forms a part of the County of Albert: And whereas it would be more convenient for the inhabitants to have a certain portion thereof restored to and again included within the said County of Westmorland: And whereas it would be more convenient if some alterations were made in the Division Lines of certain Parishes in the County of Albert;’