

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1842. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1842.

5 Victoria – Chapter 45 (1841)

An Act for the Naturalization of Aliens in this Province. Passed 19th March 1841.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time when this Act shall come into force, 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 when this Act shall come into force, 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 when this Act shall come into force, take and subscribe the Oath of Allegiance and Residence, or (being 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 when this Act shall come into force, 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.

II. 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.

III. 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.

IV. Provided also, and be it enacted, That this Act shall not be in force until Her Majesty's Royal approbation be thereunto had and declared.

SCHEDULE.
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.

[This Act was specially confirmed, ratified, and finally enacted by an Order of the Queen in Council, dated the 11th day of August, 1841, and published and declared in the Province on the 8th day of September, 1841.]