

## AN ACT

*To Secure to and Confer upon certain Inhabitants of this Province, the Civil and Political Rights of Natural Born British Subjects.*

[Assented to by His Majesty in Council, 7th May, 1828.]

**W**HEREAS it is expedient to remove by law doubts that may have arisen as to the Civil Rights and Titles to Real Estate of some of the persons hereinafter mentioned, and to provide by some general law for the Naturalization of such persons not being by law entitled to be regarded as Natural Born Subjects of His Majesty, as are actually domiciled in this Province. Preamble.

*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 Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, '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 by the authority of the same,'"<sup>6</sup> That all persons who have at any time received Grants of Land in this Province from the Crown, and all persons who have held any Public Office in the Province under the Great Seal or Privy Seal of the Province, or under the Sign Manual of the Governor, Lieutenant Governor, or Person Administering the Government of the Province, and all persons who have taken the Oath of Allegiance, or being of the persons who by the Laws of this Province are allowed to Affirm in Civil Cases, have made the Affirmation of Allegiance to His Majesty, or His Majesty's predecessors, before any person duly authorized to administer such Oath or Affirmation, and all persons who had their settled place of abode in this Province before the year of our Lord One Thousand Eight Hundred and Twenty, and are still resident therein, shall be, and are hereby admitted and confirmed in all the privileges of British Birth, and shall be deemed, adjudged, and taken to be, and so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart, or transmit, any Real Estate in His Majesty's Dominions; or any right, title, privilege or appurtenance thereto, or any interest therein, to have been Natural Born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in His Majesty's United Kingdom of Great Britain and Ireland, and that the Children, or more remote descendants, of any person or persons of either Certain descriptions of persons admitted to, and confirmed in the privileges of British birth. Their children, or descendants.

of the foregoing descriptions who may be dead, shall be, and are hereby admitted to the same privileges which such Parents or Ancestors, if living, could claim under this Act: *Provided nevertheless*, that no one (except Females) of either of the above description of persons who has not taken the Oath, or being of those persons who are allowed by the Laws of this Province to Affirm in Civil Cases has not made the Affirmation of Allegiance before some person duly authorized to administer the same, shall be entitled to the benefits of this Act unless he shall take the said Oath or Affirmation (as the case may be) before some person duly authorized to administer the same.

Oath of Allegiance required.

All persons domiciled in this Province on 1st March 1828, and residing seven years to be deemed subjects.

II. *And be it further enacted by the authority aforesaid*, That all persons actually domiciled in this Province on the first day of March, One Thousand Eight Hundred and Twenty-eight, not being of either of the descriptions of persons before mentioned, who shall have resided, or shall continue to reside therein, or in some other part of His Majesty's Dominions, until they shall have been Resident Inhabitants of His Majesty's Dominions for the space of Seven Years continually, without having been during that time Stated Residents in any Foreign Country, shall be deemed and adjudged, and taken to be, and so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit, any Real Estate in this Province, or any right, title, privilege, or appurtenances thereto, or any interest therein, to have been Natural Born Subjects of His Majesty to all intents, constructions and purposes whatsoever, as if they, and every of them, had been Born within this Province: *Provided nevertheless*, that no one of the persons described in this Clause (except Females) who at the passing of this Act has been resident in His Majesty's Dominions Seven Years continually as aforesaid, shall be entitled to the benefits of this Act unless within three years from and after the passing of this Act, if at the said passing of the Act, he shall be of the age of Sixteen years or upwards, (or if he shall not at the said passing of the Act be of the said age, then within three years after he shall attain the said age,) he shall take and subscribe the Oath in the Schedule to this Act annexed, marked (A.) or being of those persons who are allowed by the laws of this Province to Affirm in Civil Cases, shall make Affirmation to the same effect, before the Register or Deputy Register of some County in this Province, and that no one of the persons described in this Clause, who has not been Resident as aforesaid Seven years continually in His Majesty's Dominions, shall be entitled to the benefits of this Act, unless within Three years after he shall have completed a stated Residence of Seven years continually, as aforesaid, in His Majesty's Dominions, (if at the completion of such Residence he shall be of the age of Sixteen years or upwards, or if at that time not of that age, then within Three years after he shall have

Oath to be taken or Affirmation.

attained that age,) he shall take and subscribe such Oath, or make such Affirmation.

III. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully Swear Falsely, or make false Affirmation in making said Oath or Affirmation before the Register or his Deputy, under the Provisions of this Act, shall be deemed guilty of wilful and corrupt Perjury, and that every such person shall on conviction thereof, forfeit all the privileges and advantages which he would otherwise by such Oath or Affirmation have been entitled to under this Act, but that the rights of others in respect to Estates derived from or held under such persons shall not be thereby prejudiced.

False Swearing;  
Perjury.

But rights of others shall not be prejudiced thereby.

IV. *And be it further enacted by the authority aforesaid,* That the Register of each and every County in this Province, or his Deputy, shall administer the Oath or Affirmation by this Act required, to any person above the age of Sixteen years who shall desire to take the same, and shall keep Books of Registry, in the beginning of which shall be written the Oath and Affirmation required by this Act, and which shall contain the columns and specifications described in the second Schedule to this Act annexed, marked (B), and that in the column appointed for that purpose, the person making the Oath or Affirmation shall set his Signature, or if unable to write, his mark, in the same line of the Register in which entry is made of the name and description of such person.

Registers may administer the Oaths, and shall keep Registers.

V. *And be it further enacted by the authority aforesaid,* That Duplicate Books of such Registry shall be kept, both of which being original, shall contain the actual signatures or marks of the person subscribing, and that on or before the Thirty-first day of December, in each and every year, the Register shall transmit one of the originals thereof to the Secretary of the Province, for the time being, and that the said Books of Registry shall remain and be preserved as Public Records in the said Offices respectively.

Duplicate Registers to be made and how preserved.

VI. *And be it further enacted by the authority aforesaid,* That if from any casualty or otherwise, either of such original Registers, or any part thereof, shall be lost or destroyed, it shall be supplied by a copy taken from the other original of such Register remaining in the Office of the Register or Secretary of the Province, (as the case may be) and attested as a true copy upon the Oath of the Officer having custody of the same, made before any Commissioner for taking Affidavits in the Court of King's Bench, which copy so attested, shall be regarded to all intents and purposes as the original Register.

In case of loss of Registry how supplied.

Extract of Register  
to be evidence.

VII. *And be it further enacted by the authority aforesaid,* That a copy or extract from any Book of Registry, made under the authority of this Act, of the whole entry made in such Register, with respect to any person whose name is recorded therein, and certified by the Register or by the Secretary of the Province, for the time being, or their respective Deputy or Deputies, shall be deemed and taken to be sufficient evidence of the Naturalization of the person therein described.

Register shall verify  
his Books on Oath.

VIII. *And be it further enacted by the authority aforesaid,* That whenever any Register shall transmit any Book of Registry to the Secretary of the Province, as hereinbefore provided, he and his Deputy, if he shall have a Deputy, shall at the end of such Book of Registry verify the same on Oath, to be taken before some one of His Majesty's Justices of the Peace, in which the said Register and his Deputy shall severally depose that to the best of his or their knowledge and belief, such Book of Registry forms a true and correct record of the statements made to him or them by the several persons therein described, and which they severally verified by Oath or Affirmation taken before him or them.

No proceedings to  
be had under this Act  
after 1850.

IX. *And be it further enacted by the authority aforesaid,* That after the First day of January, in the year of our Lord, One Thousand Eight Hundred and Fifty, no further Oaths shall be administered or proceedings had for the purpose of being Naturalized under this Act.

Penalty for omitting  
to verify record.

X. *Provided always, and be it further enacted by the authority aforesaid;* That if any person to whom it shall belong to attest the truth of any such Record, shall neglect or omit to attest the same in manner aforesaid, he shall forfeit and pay the sum of Two Hundred Pounds, to be recovered by information in His Majesty's Court of King's Bench; but such omission shall not prejudice the right of any person who may have taken the Oath or made the Affirmation required by this Act, or preclude him from receiving a Certificate or Extract, according to the Provisions thereof.

Books to be left open  
for inspection.  
Alphabetical lists.

XI. *And be it further enacted by the authority aforesaid,* That a general Alphabetical List shall be made and kept by the Secretary of this Province, and by the several Registers, of the Surnames and Christian names of all persons whose names and descriptions are recorded in the several Books of Registry, referring to their place in such Books respectively, and that such List and Books shall be open at all times to inspection during the hours of business in such Office, and that any person desirous of searching in the said List or Books, shall pay to the Officer keeping the same, One Shilling for each person whose name he shall desire to search for.

Fee for search.

**XII.** *And be it further enacted by the authority aforesaid,* That for administering the Oath or Affirmation as aforesaid, making the entry required by this Act, and giving a certified copy or extract of such entry, the Register or his Deputy shall be entitled to demand and recover from every person making such Oath or Affirmation, the sum of One Shilling and Three-pence, and that the Register and Secretary of the Province, and their respective Deputies, shall be entitled to demand and receive for searching and giving such extract at any other time, the sum of One Shilling, and that no more or other Fees than are expressly allowed by this Act shall be demanded or received for any services done under this Act, by the Register or by the Secretary of the Province, or their respective Deputies.

**XIII.** *And be it further enacted by the authority aforesaid,* That if any person, not entitled to be regarded as a natural born subject of His Majesty, who at the time of the passing of this Act was domiciled in this Province, shall die before the period limited by this Act for his taking the Oath according to the provisions thereof, such person shall be nevertheless deemed to have been a natural born subject of His Majesty, so far as regards the taking, holding, imparting and transferring of any real Estate, by Grant, Marriage, Dower, Devise, or Inheritance.

**XIV** *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be taken to repeal or in any manner alter or affect any Statute passed by the Legislature of this Province, respecting the qualification of voters for Members to serve in the Assembly of this Province, or the eligibility of Members to serve in the said Assembly, or in any manner to affect or interfere with a certain Act of the Legislature of this Province, passed in the Fifty-fourth year of His late Majesty's Reign, entitled: "An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty," or with any proceedings had thereupon, or to repeal any Laws now in force in this Province, for the Naturalization of Foreigners.

**XV.** *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no person shall be disturbed in the possession or shall be precluded from the recovery of any Lands, Tenements, or Hereditaments in this Province, on the ground of his or her being or having been an Alien, or on the ground of any person from or through whom he or she may claim being or having been an Alien, provided the person against whom such disability shall be so objected, being a Female, was Resident in this Province on the Twenty-sixth day of May, in the year of our Lord, One Thousand Eight Hundred and Twenty-six, or being a Male, was Resident in this Province on the said

Fees.

Remedy in case of persons dying before they can be Naturalized under this Act.

Acts respecting eligibility to the Assembly, or 54 Geo. iii. ch. 9, not to be affected by this Act.

Remedy with respect to Estates held by Aliens or derived through Aliens.

Twenty-sixth day of May, and was then actually under the age of Sixteen years.

Exceptions in certain cases.

XVI. *And be it further enacted by the authority aforesaid,* That in all cases where any person claiming to hold as next entitled on account of any person nearer in the line of descent having been an Alien, shall in virtue of such claim have taken actual possession of any Real Estate, before the said Twenty-sixth day of May, and have made improvements thereon; and also, in all cases where any person claiming to hold as next entitled on account of the person nearer in the line of descent having been an Alien, shall have actually sold or departed with, or shall have actually contracted to sell or depart with his real Estate, before the said Twenty-sixth day of May, no person being at that time in adverse possession of the same; the Provisions of this Act shall not extend to render invalid any right or title to such Estate, but such right or title shall be taken and adjudged to be as if this Act had not passed.

**A.**

Schedules.

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 His Majesty's Dominions, 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 dependant thereon.

**B.**

NAME.	Present Residence.	Addition, degree, or occupation.	Signature.	Date of Registry.	Number of Entry.