

*Provincial Statutes of Canada*, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 107

**An Act to make further provision regarding Aliens.**

Reserved for the signification of Her Majesty's pleasure, 29th March, 1845. The Royal Assent given by Her Majesty in Council, on the 30th June, following; and Proclamation made thereof by His Excellency Lord Metcalfe, in the Canada Gazette of August 2, 1845.

Whereas it is expedient that His Excellency the Governor General of this Province, by and with the advice of the Executive Council thereof, should be enabled to grant to Aliens the rights and capacities of natural born British Subjects, under such regulations and exceptions as are hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That upon obtaining the Certificate and taking the oath or affirmation hereinafter prescribed, every Alien now residing in, or who shall hereafter come to reside in any part of this Province, with intent to settle therein, (although he may not have been domiciled in this Province for a period of more than five years,) shall enjoy all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit, except such rights and capacities (if any) as shall be specially excepted in, and by the Certificate to be granted in manner hereinafter mentioned: Provided always, that in special cases, requiring the immediate interference of the Governor in Council, it shall and may be lawful for the said Governor in Council to grant the Certificate hereinafter prescribed in favour of any particular individual or individuals presenting the Memorial hereinafter mentioned, although such individual or individuals shall not have been domiciled in this Province for a period of five years.

II. And be it enacted, That it shall be lawful for any such Alien as aforesaid to present to the Governor in Council, a Memorial, stating the age, profession, trade, or other occupation of the Memorialist, and the duration of his residence in this Province, and all other the grounds on which he seeks to obtain any of the rights and capacities of a natural born British Subject, and praying the Governor in Council to grant to the Memorialist the Certificate hereinafter mentioned.

III. And be it enacted, That every such Memorial maybe considered by the Governor in Council, who may inquire into the circumstances of each case, and receive all such evidence as shall be offered by affidavit or otherwise, as the said Governor in Council may deem necessary or proper, for proving the truth of the allegations contained in such Memorial; and that the said Governor in Council, if he shall so think fit, may issue a Certificate reciting such of the contents of the Memorial, as he shall consider to be true and material, and granting to the Memorialist (upon his taking the

oath or affirmation hereinafter prescribed) all the rights and capacities of a natural born British Subject, except the rights and capacities (if any) specially excepted in and by such Certificate.

IV. And be it enacted, That such Certificate shall be registered in a Book or Books, to be kept for that purpose, by some person or persons duly authorized to that effect by the Governor in Council, and may be inspected, and copies thereof taken by all persons desiring to make such inspection or to take such copies.

V. And be it enacted, That the several proceedings hereby authorized to be taken for obtaining such Certificate as aforesaid, and the fees payable in respect of the same shall, from time to time, be regulated and fixed by the Governor in Council.

VI. And be it enacted, That every Memorialist to whom rights and capacities shall be granted by such Certificate, shall make and subscribe the following oath, (or being one of those persons who are allowed by the laws of this Province to affirm, shall make affirmation to the same effect,) that is to say:

"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province of Canada, dependent on and belonging to the said United Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies and attempts whatever, which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her or any of them, and all this I do swear without any equivocation, mental evasion or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary: So help me God."

VII. Which oath or affirmation shall be taken and subscribed by such memorialist, and shall be duly administered to him or her before one of the persons duly authorized to that effect by the Governor in Council, who shall grant to the memorialist a certificate of his or her having taken and subscribed such oath or affirmation.

VIII. And be it enacted, That any woman married, or who shall be married to a natural born subject or person naturalized shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural born subject.

IX. And be it enacted, That the person or persons authorized to administer the oath or affirmation, and record the certificate aforesaid, shall be entitled to recover and receive from every person making such oath or affirmation, and requiring such record, the following fees and no more, that is to say; for administering such oath or affirmation the sum of one shilling and three pence; for searching and giving such certified copy of such oath or affirmation the sum of one shilling and three pence; for recording such certificate the sum of two shillings and six pence; for every search and certified copy of such certificate the sum of two shillings and six pence.

X. And be it enacted, That nothing in this Act contained shall be taken to repeal or in any manner affect, or interfere with a certain Act of the Legislature of Upper Canada passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled, "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty," or any proceedings had under the said Act, or to repeal or affect any law now in force in this Province, or in any part thereof, for the naturalization of any Alien or class of Aliens.

XI. And be it enacted, That any person who shall wilfully swear falsely, or make any false affirmation before any person authorized to administer the oath or affirmation aforesaid under the provisions of this Act, shall be deemed guilty of wilful and corrupt perjury, and every such person shall on conviction thereof, in addition to any other punishment authorized by law, forfeit all the privileges and advantages which he would otherwise, by making such oath or affirmation, have been entitled to under this Act; but the rights of others in respect to estates derived from or held under him, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury, at the time the title by which they claim to hold under him was created.

XII. And be it enacted, That whenever by this Act any thing is directed to be done by the Governor in Council, it shall be understood that the same is to be done by the Governor, Lieutenant-Governor, or person administering the Government of this Province by and with the advice and consent of the Executive Council thereof, and every word importing the masculine gender shall, when necessary, extend and be applied to a female as well as a male.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of the Provincial Parliament.