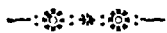


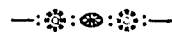
(APPENDIX H.) *See Journal page 70.**Amendments sent up by the House of Assembly.*

which said persons have with the knowledge, approbation and encouragement, and, in many cases, in consequence of the invitation of His Majesty's government, come into, settled and been received into this province,

and been treated and considered as natural born British subjects to all intents constructions and purposes whatsoever, not only entitled to all the

rights privileges and immunities, but also subject to all the duties, obligations, and responsibilities of natural born British subjects.

REMARKS.



these two descriptions of persons, and for these only, is an act of naturalization absolutely necessary.

These assertions have been proved to be totally unwarranted by facts; no document can be produced in their support, but many to contradict them: It has, indeed, been fully shewn that no encouragement or inducement, was ever held out by the colonial government to persons from the United States, other than Loyalists, to become settlers. There was indeed no power to prevent them from coming in during peace, but they came as foreigners and settled at their own peril.

It has been already shewn that no pledge was ever given; but it ought to be admitted that persons coming from the United States, have been indulged in all the privileges and rights of British subjects; and so far is it from being the wish of His Majesty's Government to circumscribe this indulgence, that the moment it is found to be contrary to law, the King graciously offers to make them legal: and the grace appears to have been virtually refused. So that in as far as the sentiments of the persons settled in the province, included in the 4th and 5th classes, can be ascertained through their representatives, they are disposed not only to continue aliens, but to assume a novel attitude in respect to the government under whose laws and protection they are living.

Now it should be remembered, that possession by connivance or indulgence, cannot make that legal which is not so.

When such persons are said to be entitled, it must be from some legal qualification, but we have already seen that there are only two British statutes that have ever been applied to the subject.

The 1st. viz;—13 Geo. 2. Chap. 7. is certainly available to all American protestant citizens born since 1783, who have come into the province and complied with its provisions; and if they have not complied, they may still do so, and thus entitle themselves to all the rights and privileges of British subjects within the province; but so long as they refuse to qualify, they are aliens; and although neither the colonial government nor their neighbours have restrained them in the exercise of the civil rights of subjects, every vote they give is illegal. The conditions required are, however, so delicate and easy, that to stand out evinces a non-conforming disposition to law and authority.

The second British statute, 30th Geo. III. chap. 27, must be considered in connexion with the former, and, in that view, it confers a benefit on those subjects of the United states who came into the province and complied with its provisions; but, like the 13th Geo. II. cap. 7, it proceeds upon the principle that the persons to whom it is applicable are aliens, and to none else can it refer. To such it allows a certain amount of goods to come in duty free, and from calling them settlers, and preventing them from selling their negroes, household furniture, and utensils of husbandry, during the space of one year. It admits them to become planters or settlers, from which it is no constrained inference that they might become possessors of landed property, after taking the oath of allegiance; but to assert that this law confers all the advantages of naturalization is to delude. Had it conferred the privileges of British subjects, it would have clearly expressed them, but it evidently leaves the law on these particulars as it stood upon the former unrepealed statute of the 13th Geo. II.