

In all questions, whether the person is, or is not an Alien, the *onus probandi* to lie upon the person in respect of whom the question arises.

XXII. AND BE IT FURTHER ENACTED by the authority aforesaid, that in all cases, concerning the execution of this Act, when any question shall arise, whether any person is, or is not an Alien born, or not having obtained Letters Patent of Denization, or not having been naturalized by act of Parliament, or not being a subject of His Majesty, having become such by the conquest or cession of the Province of Canada, or whether such Alien did or did not arrive in this Province, on or before the first day of May, one thousand seven hundred and ninety-two, or is, or is not such a domestic servant as is before mentioned, the proof of being a natural born subject of His Majesty, his Heirs, and Successors, or of being a Denizen by Letters Patent, or of naturalization by Act of Parliament, or of being a subject of His Majesty, having become such by the conquest or cession of the Province of Canada, or of having arrived in this Province, on or before the first day of May, one thousand, seven hundred and ninety-two, or of being such a domestic servant as is herein mentioned, shall lie upon the person, touching whom such question shall so arise.

Upon pecuniary penalties, a warrant of distress to issue against the Goods and Chattels of the offender; and for want of sufficient distress, the offender to be imprisoned.

Appeal allowed to the Quarter Sessions.

And no *Certiorari* allowed.

The party appealing, to give notice.

The Quarter sessions to award costs.

Prosecutions against persons for anything done in execution of this Act, to be commenced within three months.

Defendant may plead the general issue. And in case of non-suit, &c. to recover double costs.

XXIII. AND BE IT FURTHER ENACTED by the authority aforesaid, that it shall and may be lawful for any Justice of the Peace, before whom any pecuniary penalties shall be recovered, in pursuance of this Act, in case the same shall not be forthwith paid, to award and issue warrants of distress, respectively, for the levying of such pecuniary penalties, upon the Goods and Chattels of any offender or offenders, and to cause sale to be made of such Goods and Chattels, if they shall not be redeemed within fourteen days, rendering to such offender or offenders the overplus, (if any there be) and for want of sufficient distress, to imprison the party offending, till satisfaction be made; And that if either party think himself or themselves aggrieved, by any judgment or order, to be given or made, by any Justice of the Peace, acting in pursuance of this Act, touching any pecuniary penalty relating to the same, it shall and may be lawful, to and for such person or persons, to appeal from the same, to Justices assembled at the next General or Quarter Sessions, to be holden for the District, where such judgment or decree shall have been made, who shall finally determine the same; And no Writ of *Certiorari* shall be allowed to remove the proceedings of the said Justices, touching the pecuniary penalties aforesaid.

XXIV. PROVIDED ALWAYS AND BE IT FURTHER ENACTED, that the party or parties so appealing as aforesaid, shall give notice in writing, by the space of six days at the least, next before such Sessions shall be holden as aforesaid, unto the other party or parties, of his, her or their intention to bring such appeal; and that it shall and may be lawful for such Justices so assembled to award costs to either party, as they shall in their discretion think fit, to be levied by Warrant of the said Justices, or any two or more of them, on the Goods and Chattels of the party or parties against whom the same shall be awarded; Provided also, that in case there be not the space of six days, between the first judgment or order of any Justice or Justices, and the General or Quarter Sessions then next following, that then such Appeal may be made at the second General or Quarter Sessions, after such judgment or order made.

XXV. AND BE IT FURTHER ENACTED by the authority aforesaid, that if any person or persons, shall, at any time, be sued or prosecuted for any thing, by him or them done or executed in pursuance of or by colour of this Act, or of any matter or thing therein contained, such action or prosecution shall be commenced within the space of three months, next after the offence shall be committed, and such person or persons shall and may plead the General issue, and give the special matter in evidence, for his or their defence; and if upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or shall discontinue his or their prosecution, or if a judgment be given for the defendant or defendants, upon demurrer, or otherwise, such defendant or defendants shall have double costs to him or them awarded, against the plaintiff or plaintiffs.

Partisners to be competent witnesses,

XXVI. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, that the in-