

thereof, shall, at the discretion of the court, be adjudged to suffer imprisonment for any time not exceeding one month for the first offence, and not exceeding twelve months for the second and any subsequent offence.

Aliens neglecting to obey order may be given in charge by warrant of Governor to be conveyed out of the Province.

If in the Winter season.

When any alien shall allege any excuse for not complying with order, Governor in Council to judge of sufficiency of the same.

Alien to be detained until the question is decided.

Governor to cause a summary of matters alleged against alien to be delivered to him, &c.

Alien may call witnesses, &c.

3. It shall be lawful for the Governor in any case in which any alien shall be found in this Province after the expiration of the time limited in such order, and whether he or she shall or shall not have been arrested or committed for refusal or neglect to obey such order, or convicted of such refusal or neglect, and either before or after such alien shall have suffered the punishment inflicted for the same, by warrant under his hand and seal, to give such alien in charge to any person or persons to whom he shall think proper to direct such warrant in order to such alien being conveyed out of the Province, and such alien shall be so conveyed accordingly; Provided always that in case such alien shall be taken in charge as aforesaid, after the close of the navigation of the River Saint Lawrence in the winter and before its opening in the spring, then and in any such case the said alien may, should the Governor see fit, be detained in safe custody until one month after the opening of such navigation; And provided further, that where such alien (not having been convicted as aforesaid) shall allege any excuse for not complying with such order, or any reason why the same should not be enforced, or why further time should be allowed him or her for complying therewith, it shall be lawful for the Governor in Council, to judge of the sufficiency of such excuse or reason, and to allow or disallow the same either absolutely or on such condition as he shall think fit; and where such alien shall be in custody under such warrant of the Governor, the person in whose custody he or she shall be, forthwith upon its being signified to him that such excuse or reason is alleged by such alien, shall make known the same to the Governor, who, upon receiving such notification, or in any case in which he shall be informed that any such excuse or reason is alleged by or on behalf of any alien to quit the Province, shall forthwith suspend the execution of such Warrant until the matter can be enquired into and determined by the Governor in Council; and such alien, if in custody under any such Warrant, shall remain in such custody, or if not in custody may be given in charge by any such Warrant as aforesaid, and shall remain in custody until the determination thereon shall be made known, unless in the meantime the Governor shall consent to or the Governor in Council shall make order for the release of such alien either with or without security; Provided always, that the Governor shall cause to be delivered to such alien, in writing, a general summary of the matters alleged against him or her, and shall allow him or her reasonable time to prepare his or her defence; and it shall be lawful for him or her to summon and examine upon oath witnesses before the said Governor in Council, and to be heard before them by himself