

*Monday 11th December, 1826.*

THIRD SESSION, OF THE 9th PROVINCIAL PARLIAMENT. 7th GEO. IV.

sensions which have recently been excited in the Province on this subject. But, considering the great importance of this alteration of the Law, and fully aware of the delicacy of the questions to which it might probably give occasion, they deemed it right to qualify the proposal by suggesting the provision which requires that every Naturalization Bill should be suspended for the signification of His Majesty's pleasure.

Under these circumstances, it appears highly necessary, that you should be apprized of the conditions on which His Majesty's Government will be disposed to admit Aliens in Upper Canada, to all the privileges of Natural Born Subjects. I am very unwilling that any misconception on the subject, should impose on His Majesty the necessity of disallowing any Bill which the Assembly might pass.

You will therefore understand, that it will not be possible to assent to any Acts declaratory of the general rule of Law, which appears to have been contended for. The subjects of the United States of America, whether born before or after the Treaty of Peace of 1783, are Aliens, and must, in point of Law, be regarded in that character.

Neither will His Majesty confirm any Act for establishing any general rule, for the naturalization of Aliens who may hereafter repair to the Province. The Statute 13th Geo. 2, Cap. 7, has already regulated the manner in which such persons may acquire the privileges of English Birth; and if those regulations require revision, it will be the office of Parliament to review and alter them.

The only measures to which His Majesty's Government are at present prepared to assent, are retrospective; and such as are requisite to relieve the actual inhabitants of the Province from the difficulties in which, from mere inadvertence, they have been involved: it will be fit, therefore, that the enactments of the Provincial Legislature should be confined to the case of those persons, who had their domicile and settled place of abode in Upper Canada, at the time of the passing of this Act of Parliament.

Those persons may be divided into two classes; first, such as had their settled domicile in the Province for seven years previously to the passing of this Act, and secondly, those who were at that time *bona fide* domiciled, but without having completed a residence of seven years. The first of these classes might properly be invested at once with the character of Naturalized subjects. The second class should not be admitted to that privilege, until the term of seven years residence was completed. In either case it will be necessary that the person to be naturalized should first take the Oath of Allegiance. For that purpose, some proper persons should be authorized to administer it; and they should be sufficiently numerous, and so distributed over the Country, as to render the attendance upon them convenient to the parties by whom the Oath is to be taken. Some method must be devised for keeping an accurate registry of the persons thus admitted to the privileges of naturalization; and that registry should contain every particular necessary for identifying the parties, a reasonable period should be fixed, after which the Oath is not to be administered. The Act by which Aliens are admitted to these privileges should distinctly declare, that the acceptance of naturalization would be deemed a renunciation of allegiance to any foreign State or Power.

The provisions for carrying these purposes into effect, should form the subject of a distinct Act, which should if possible, be unincumbered with any question respecting the descent and alienation of lands formerly held by deceased Aliens, who lived in the Province under the mistaken supposition that they were entitled to the privileges of English Birth. It is manifest that this latter subject will give birth to questions of great difficulty; and I am not prepared to say how far His Majesty's Government would be disposed to confirm any Act which might be passed for the relief of persons, claiming by descent or purchase from such Aliens. That question, however, may very properly be left in the first instance to the consideration of the two branches of the Provincial Legislature, with the assurance that His Majesty will not be indisposed to relieve those who have been the innocent sufferers from the prevailing misconception on this subject, if any just and practicable method can be devised for that purpose.

I have the honor to be,

Sir,

Your most Obedient,  
Humble Servant,

(Signed,)

BATHURST.