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1826  
Passed in P. Parl.  
26 May 1826

See 1828

May 7 - when it  
recd Royal Assent

Reserved

## NATURALIZATION BILL.

*AN ACT to provide for the Naturalization of such Persons resident in this Province, at the period therein mentioned, as may not now be entitled by Law to be regarded as Natural Born Subjects of His Majesty.*

[Reserved for the Royal Assent.]

**WHEREAS** many persons have become resident in this Province who have emigrated from the United States of America since the year one thousand seven hundred and eighty-three, and have not been Naturalized as British subjects by any act of Parliament;—and whereas, there are also in this Province many persons who have come from other foreign countries, and many reduced officers and soldiers of foreign corps, late in his Majesty's service, who are not subjects of His Majesty, by birth or naturalization: And whereas, of the persons abovedescribed the greater number came to this province intending to become permanent settlers therein, and having been formerly considered to be entitled to all the rights of subjects, have been heretofore permitted to exercise the same, and from the impressions which have formerly very generally prevailed with respect to the civil rights of persons emigrating to this Province, it would be difficult to provide an adequate remedy by any other than a general provision: And whereas, by an act of the parliament of the United Kingdom of Great Britain and Ireland, passed in the 7th year of his present Majesty's reign, entitled, "An act to amend so much of an act of the thirty first year of his late Majesty as relates to the election of Members to serve in the legislative assembly of the Province of Upper Canada," it is enacted, that all persons naturalized by any act of the Legislative Council and Assembly of the Province of Upper Canada, assented to by His Majesty, his heirs or successors, shall thenceforth be and be deemed competent in the law to be summoned to the legislative council of the said Province of Upper Canada, and to vote at the elections of Members to serve in the Legislative Assembly of the said Province, and to be elected at any such election: And whereas it is expedient that all the persons above described, who at the time of the passing of the said act were resident in this Province should be naturalized in the manner hereinafter mentioned,

Be it therefore enacted, &c. That all persons actually domiciled in this Province on the 26th day of May, 1826, who are not now legally entitled to be regarded as natural-born subjects of His Majesty, but who have inhabited and resided in this Province, or elsewhere within His Majesty's dominions, for the space of seven years next before the twenty-sixth day of May, in the year aforesaid, without having been, during that time, stated residents in any foreign country, or who, being actually domiciled in this Province, on the said 26th day of May, in the year aforesaid, shall continue to reside therein until they shall have been resident inhabitants of the said Province, or of some other part of His Majesty's dominions, for the space of seven years continually, without having been during that time, stated residents in any foreign country, and who being of either of the descriptions of persons above mentioned, shall take and subscribe the oath in the Schedule to this act annexed, marked A. or being of those persons who, by the laws of this Province, are allowed to affirm in civil cases, shall make affirmation to the same effect, before some one of the persons duly authorised under the provisions of this act to administer such oath, or take such affirmation, shall be deemed, adjudged, and taken within this Province, to be, and so far as respects their capacity at any time heretofore to take, hold, claim, recover, convey, devise, or transmit any real estate in this Province of any kind or nature whatever, to have been, His Majesty's natural born subjects to all intents, constructions, and purposes, as if they and every of them had been born within this Province.

II.—*And be it &c.* That every person claiming to be naturalized under this act shall be deemed and taken to have renounced freely and for ever, without reservation, all allegiance to any foreign state or power.

III.—*And be it &c.* That any person who shall wilfully swear falsely or make false affirmation in regard to any matter to which he may swear or affirm under the provisions of this act, shall be deemed guilty of wilful and corrupt perjury, and that every such person shall, on conviction thereof, forfeit all the privileges and advantages which he would otherwise have been entitled to under this act; but that the rights of others in respect to estates derived from or held under such persons shall not be thereby prejudiced.

IV.—*And be it &c.* That from and after the passing of this act it shall be in the power of the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint by instrument under his sign manual, from time to time, in each and every District of this Province, such and so many persons as to him may seem meet for administering the oaths and taking the affirmations required by this act, and that each and every of such persons, so to be appointed, shall administer the oath or affirmation by this act required to any person above the age of sixteen years who shall desire to take the said oath or make such affirmation for the purposes intended by this act, and shall keep books of registry, in the beginning of which shall be written the oath and affirmation required by this act, and which shall contain the columns and specifications described in the second Schedule to this act annexed, marked B, and that in the column appointed for that purpose, the person making the oath or affirmation shall set his signature, or, if unable to write, his mark, in the same line of the register in which entry is made of the name and description of such person.

V.—*And be it &c.* That duplicate books of such registry shall be kept, both of which being originals shall contain the actual signatures or marks of the person Subscribing, and that on or before the thirty-first day of December in each and every year, the person making and keeping the said register shall deposit one of the originals thereof in the office of the Clerk of the Peace of the District where such persons shall reside, and transmit the other original register for the same year to the Secretary of the Province for the time being—and that the said books of registry shall remain and be preserved as public records in the said offices respectively.

VI.—*And be it &c.* That if from any casualty either of such original registers or any part thereof shall be lost or destroyed, it shall be supplied by a copy taken from the other original of such register remaining in the office of the Clerk of the Peace, or Secretary of the Province, (as the case may be) and attested as a true copy upon the oath of the officer having custody of the same, made before any Commissioner for taking affidavits in the Court of King's Bench, which copy, so attested, shall be regarded to all intents and purposes as the original register.

VII.—*And be it further enacted &c.* That a copy or extract taken from any book of registry made under the authority of this act of the whole entry made in such register with respect to any person whose name is recorded therein, and certified by the Clerk of the Peace, or Secretary of the Province for the time being, or their respective deputy or deputies, or by the person keeping such register, before the same shall have been transmitted to the Clerk of the Peace or Secretary, shall be deemed and taken to be sufficient evidence of the naturalization of the person therein described.

VIII.—*And be it further enacted &c.* That no person who, on the said twenty-sixth day of May, in the year of our Lord 1826, had been resident in this Province, or elsewhere in His Majesty's dominions, as aforesaid, for the space of seven years, shall be entitled to the benefit of this act, unless he shall take the oath, or make the affirmation and subscribe the record thereof required by this act, on or before the first day of March, which will be in the year of our Lord 1830, and that no person who, being resident in this Province on the said twenty-sixth day of May, had not then been resident therein, or elsewhere in His Majesty's dominions as aforesaid, for the space of seven years, shall be entitled to the benefit of this act, unless he shall take the oath, or make the affirmation, and subscribe the record thereof required by this act, within the space of three years from the completion of his residence for the space of seven years, as aforesaid. Provided always nevertheless, that if any person, at the time of his being entitled by residence to claim to be naturalized under this act, shall be under the age of sixteen years, it shall and may be lawful for such person to avail himself of the provisions of this act, at any time within three years after his attaining the age of sixteen years.

IX.—*And be it further enacted by the authority aforesaid,* That if any person not entitled to be regarded as a natural born subject of His Majesty, who on the twenty-sixth day of May one thousand eight hundred and twenty-six was domiciled in this Province, shall die before the period limited by this act for his taking the oath according to the provisions thereof, such person shall be nevertheless deemed to have been a natural born subject of His Majesty so far as regards the holding and transferring of any real estate by devise or inheritance.

X.—*And be it further enacted &c.* That after the first day of January in the year of our Lord one thousand eight hundred and forty-five, the several officers to whom it shall belong, shall without delay, transmit the registers then remaining in their custody to the Secretary of the Province and the Clerks of the Peace respectively as directed by this act, and that after the said first day of January no further oaths shall be administered, or proceedings had for the purpose of being naturalised under this act.

XI.—*And be it further &c.* That whenever any of the persons appointed to administer the oaths and make the record thereof required by this act shall transmit any book of registry to the office of the Clerk of the Peace or to the Secretary of the Province, as hereinbefore provided, he shall at the end of such book of registry verify the same on oath, to be taken before some one of His Majesty's Justices of the Peace, in which he shall depose that such book of registry forms a true and correct record of the statements made to him by the several persons therein described and which they severally verified by oath or affirmation taken before him.

XII.—*Provided always, and be it further, &c.* That if any person to whom it shall belong to attest the truth of any such record, shall neglect or omit to attest the same in manner aforesaid, he shall forfeit and pay the sum of £200, to be recovered by information in His Majesty's Court of King's Bench; but such omission shall not prejudice the right of any person who may have taken the oath or made the affirmation required by this act, or preclude him from receiving a certificate or extract according to the provisions thereof.

XIII.—*And be it &c.* That a general alphabetical list shall be made and kept by the Secretary of this Province and the several Clerks of the Peace, of the surnames and Christian names of all persons whose names and descriptions are recorded in the several books of registry, referring to their place in such books respectively—and that such list and books shall be open at all times to inspection, during the hours of business in such office, and that any person desirous of searching in the said list or books, shall pay to the officer keeping the same one shilling for each person whose name he shall desire to search for.

XIV.—*And be it further enacted &c.* That nothing in this act contained shall be taken to repeal or in any manner alter or affect any statute passed by the Legislature of this Province respecting the qualifications of voters for Members to serve in the Assembly of this Province or the eligibility of members to serve in the said Assembly or in any manner to affect or interfere with a certain act of the Legislature

