

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x																	<input checked="" type="checkbox"/>					
	12x		16x		20x		24x		28x		32x											

No. 70.

---

---

1st Session, 6th Parliament, 21 Victoria, 1858.

---

---

**BILL.**

An Act to repeal certain Acts therein mentioned, and to make better provision for the Naturalization of Aliens.

---

Received and read, first time, Wednesday, 21<sup>st</sup> April, 1858.

Second reading, Wednesday, 28<sup>th</sup> April, 1858.

---

Mr. W. SCOTT, (of Waterloo.)

---

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

**An Act to repeal certain Acts therein mentioned, and to make better provision for the naturalization of aliens.**

**W**HEREAS great inconvenience has been experienced in the practical operation of the law granting to aliens the rights and capacities of natural born British subjects, and it is expedient to amend the same; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: The Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of aliens*; and the Act passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Naturalization Laws of this Province*, and all other Acts and provisions of law inconsistent with this Act, shall be and are hereby repealed; Provided always, that the repeal of the said Acts shall not affect the naturalization of any person naturalized under them, on any rights acquired by such person or by any other party by virtue of such naturalization, which shall remain valid, and such rights shall be possessed and enjoyed by such person or party as if the said Acts were not repealed.

Preamble.

Acts 12 V. c. 197, and 18 V. c. 6, repealed.

Proviso: acquired rights not affected.

II. Every alien now residing in or who shall hereafter come to reside in any part of this Province, with intent to settle therein, who, after a continued residence therein for a period of one year or upwards, shall take the oaths or affirmations of residence and allegiance (or the oath or affirmation of residence only, if a female), and procure the same to be fyled of record as hereinafter prescribed, so as to entitle him or her to a certificate of naturalization as hereinafter provided, shall thenceforth enjoy and may transmit all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

One year's residence and the taking of certain oaths sufficient to naturalize an Alien.

III. Every such alien shall take and subscribe the following oath of residence, or being one of those persons who are allowed by the laws of this Province to affirm in judicial cases, shall make affirmation to the same effect, that is to say:

Oaths of residence and allegiance must be taken.

*Oath of Residence.*

I, A. B., do swear (or being one of the persons allowed by law to affirm in judicial cases, do affirm) that I have resided one year in this Province, with intent to settle therein, without having been, during that time, a stated resident in any foreign country. So help me God.

*Oath of Allegiance.*

I, A. B., do sincerely promise and swear (*or being one of the persons allowed by law to affirm in judicial cases, do affirm*), that I will be faithful and bear true allegiance to *Her Majesty Queen Victoria*, as lawful sovereign of the United Kingdom of Great Britain and Ireland, and of the Province of Canada. dependent on and belonging to the said United Kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against Her Person, Crown, and Dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her, or any of them; and all this I do swear without an equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary. So help me God.

Before whom  
to be taken.

Which oath or oaths, or affirmation or affirmations, shall be taken and subscribed by the said Alien, and shall be duly administered to him or her by or before any Justice of the Peace, or any person having *ex officio* the power and authority of a Justice of the Peace within the City, Town, Village, Parish, or Township in which the said Alien may reside, which the said Justice of the Peace or person having such power as aforesaid, shall, thereupon, grant unto the said Alien a certificate of residence, setting forth that such Alien has taken and subscribed the said oath or oaths, or affirmation or affirmations, and (if the fact is so) that such Justice or person having such power as aforesaid has every reason to believe that such Alien had been so resident within the Province for a period of one year or upwards; that he or she is a person of good character, and there exists to the knowledge of such Justice or person having such power as aforesaid, no reason why the said Alien should not be granted all the rights and capacities of a natural born British subject.

Certificate to  
be granted.

Oath of allegi-  
ance and  
certificate of  
residence to be  
recorded by  
the Registrar,  
and the Alien  
to be then  
naturalized.

IV. It shall be lawful for the said Alien to present the Oath of Allegiance so taken and subscribed, and the certificate of residence from the said Justice of the Peace, or other person as aforesaid, to the Registrar of the County or City, within the jurisdiction of which he shall reside, and such Registrar shall file and record such oath and certificate of residence in a book to be by him kept for that purpose, and thereupon such Alien shall be thereby admitted and conformed in all the rights and privileges of British birth, to all intents, constructions, and purposes whatsoever, as if he or she had been born within the Province.

Certificate of  
naturalization  
to be granted.

V. Every such person shall be thenceforth entitled to receive a certificate of naturalization under the hand and seal of such registrar, that he or she hath complied with the several requirements of this Act; which certificate of naturalization may be in the following form, or to the like effect, that is to say:

Canada

County of  
City of

or District of

To wit:

The Form.

Whereas A.B. of (*describing him or her as formerly of such a place, in such a foreign country, and now of such a place in this Province, and adding his or her addition*) hath complied with the several requirements

of a certain Act of the Parliament of this Province, passed in the year of Her Majesty's reign, intituled, An Act, (*insert the title of this Act*), and the oath (*or affirmation*) of allegiance and certificate of residence hath been on this day duly filed, and a record of the same made in the Registry Office of the County or City of (*name the County or City*) pursuant to the directions of the said Act; These are therefore to certify to all whom it may concern, that under and by virtue of the said Act, the said A.B. hath obtained all the rights and capacities of a natural born British subject within this Province, to have, hold, possess, and enjoy the same within the limits thereof, upon, from and after the

day of

(*the filing the of Oath of Allegiance and certificate of residence*) in the year of Our Lord, one thousand eight hundred and , and this certificate thereof is hereby granted to the said A. B. according to the form of the statute in such case made and provided: Given under my hand and seal this

day of

in the year of Our Lord, one thousand eight hundred and

(*Signature*),

C. D.

Registrar of the City of, or County of, as the case may be.

VI. Any woman married, or who shall be married to a natural born British subject, or person naturalized under the authority of this Act, or any other or former Act, either of this Province or of either of the late Provinces of Upper or Lower Canada, shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural born British subject.

Woman married to a British subject to be thereby naturalized.

VII. The said Justice of the Peace, or other person as aforesaid, for administering the Oaths or Affirmations above mentioned, and for granting certificates of the same, shall be entitled to recover and receive from the person to whom the same may be administered and certificate granted, the sum of twenty-five cents, and no more; and the Registrar of the County or City for filing the Oaths or Affirmations of allegiance and residence, and for recording the same, and for granting a certificate of naturalization, shall be entitled to recover and receive from such person the sum of fifty cents. and further sum of twenty-five cents for every search and certified copy of the same, and no more.

Fees under this Act.

VIII. From and after the passing of this Act, every Alien shall have the same capacity to take, hold, possess, enjoy, claim, recover, convey, devise, impart, and transmit Real Estate in all parts of this Province, as natural born or naturalized subjects of Her Majesty, in the same parts thereof respectively; Provided always, that nothing herein contained shall alter, impair, or affect, or be construed to alter, impair, or affect in any manner or way whatsoever, any right or title legally vested in or acquired by any person or persons whatsoever previous to or at the time of the passing of this Act.

Aliens may hold and convey property.

Proviso.

IX. Provided always, and it is hereby declared, that the privileges of naturalization imparted by this Act to the several classes of persons herein mentioned, are imparted to such persons respectively on the respective terms and conditions herein stated and set forth, and to be by such person exercised and enjoyed within the limits of the Province, according to the true intent and meaning of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, in the tenth and

Naturalization to have effect under the British Alien Act.

eleventh years' of Her Majesty's reign, and intituled, *An Act for the Naturalization of Aliens.*

Act not to  
affect proceed-  
ings under  
Act of U. C.  
54 G. 3, c. 9.

X Nothing in this Act contained shall be taken to repeal or in any manner to affect or interfere with a certain Act of the Legislature of Upper Canada, passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled, *An Act to declare certain persons therein described, Aliens, and to vest their estates in His Majesty,* or any proceedings had under the said Act. 5

False swear-  
ing to be per-  
jury—and to  
forfeit the  
benefits of  
this Act.

XI. Any person who shall wilfully swear falsely, or make any false affirmation under the authority of this Act, before any Justice of the Peace, or before any person having *ex officio* the power and authority of Justice of the Peace as aforesaid, shall be deemed guilty of wilful and corrupt perjury, and every such person shall, on conviction thereof, in addition to any other punishment authorized by law, forfeit all the privileges and advantages which he or she would otherwise, by making such oath or affirmation, have been entitled to under this Act; but the rights of others in respect to estates derived from or held under him or her, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created. 10  
15  
20

Saving rights  
of others not  
cognizant.