

C A P . L X V I .

An Act respecting Aliens and Naturalization.

[Assented to 22nd May, 1868.]

Preamble.

WHEREAS the laws in force in the Provinces of Ontario and Quebec, in the Province of Nova Scotia, and in the Province of New Brunswick, providing for the naturalization of Aliens are various, and are local and limited in their effects; and whereas it is expedient that one uniform provision should be made for Canada with respect to the naturalization of Aliens, saving always the rights, titles and claims of all persons, according to the laws of each Province, at the time of the passing of this Act; and whereas it is also expedient to provide that the benefits heretofore obtained by any person by naturalization in any part of Canada shall henceforth extend to and be available for such person in every other part of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

LOCALLY NATURALIZED SUBJECTS OF HER MAJESTY.

Provincial
naturalization
extended to the
Dominion.

1. Each and every person who, being by birth an Alien, had, on or before the passing of this Act, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of Naturalization in force in such part of Canada; shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act.

NATURALIZATION OF ALIENS.

Alien-born
woman natu-
ralized by
marriage with
subject.

2. Every Alien-born woman married to a natural-born British subject, or person naturalized under the authority of this Act or of any law either of the Province of Nova Scotia, or of the Province of New Brunswick, or of the late Province of Canada, or of the late Province of Upper Canada, or of the late Province of Lower Canada, shall be deemed to be herself naturalized, and shall have all the rights and privileges of a natural-born British subject.

Other aliens
may become
naturalized by
residence, &c.

3. Every Alien (not being a woman married to a natural-born or naturalized British subject) now residing in, or who shall hereafter come to reside in any part of this Dominion, with intent to settle therein, and who after a continued residence therein for a period of three years or upwards, has taken the oaths or affirmations of residence and allegiance, and procured the same to be filed 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.

4.

4. Every such Alien (not being a woman married to a natural-born or naturalized British subject) in order to become entitled to the benefit of this Act, shall take and subscribe the following Oath of Residence, or being one of those persons who are allowed by the Laws of the Province in which he or she then is, to affirm in judicial cases, shall make affirmation to the same effect, that is to say :

Oath of residence to be taken for that purpose.

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 three years in this Dominion, with intent to settle therein, without having been during that time a stated resident in any foreign country. So help me God."

Form.

2. And every such Alien, in order to become entitled to the benefit of this Act, shall also take and subscribe the following Oath of Allegiance, (or being one of those persons who are allowed, by the Laws of the Province in which he or she then is, to affirm in judicial cases, shall make affirmation to the same effect,) that is to say :

And also oath of allegiance.

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 Dominion 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 any equivocation, mental evasion, or secret reservation. So help me God."

Form.

3. And every such oath or affirmation shall be taken and subscribed by such Alien, and may be administered to him or her by any Judge of any Court of Record in that Province of Canada in which such Alien resides, or by any person authorized to administer oaths in any of the Courts hereinafter mentioned, or by any Commissioner to be appointed by the Governor for that purpose, or by any Justice of the Peace of the County or District within which such Alien resides; which said Judge, Commissioner, or Justice of the Peace, on being satisfied by evidence produced by such Alien, that he or she has been a resident of Canada, for a continuous period of three years or upwards,

Before whom oath or affirmation shall be taken.

Certificate to be granted;

What it shall state.

upwards, and is a person of good character, shall grant to such Alien a Certificate, setting forth that such Alien has taken and subscribed the said oath or affirmation, and that such Judge, Commissioner or Justice of the Peace, has reason to believe that such Alien has been so resident within Canada for a period of three years or upwards, that he or she is a person of good character, and that there exists to the knowledge of such Judge, Commissioner or Justice of the Peace, no reason why such Alien should not be granted all the rights and capacities of a Natural-born British Subject.

Certificate to be presented and read in court, and afterwards filed of record.

5. Such Certificate shall be presented to the Court of Quarter Sessions of the Peace, or the Recorder's Court of the County or City within the jurisdiction of which the Alien resides in Ontario, or to the Circuit Court in and for the Circuit within which he or she resides in Quebec, or to the Supreme Court if he or she resides in Nova Scotia, or to the Supreme Court of Judicature of New Brunswick, or County Court of the County in which he or she resides, if he or she resides in New Brunswick, in open Court, on the first day of some general sitting of such Court, and thereupon such Court shall cause the same to be openly read in Court; And if during such general sitting the facts mentioned in such Certificate are not controverted, or any other valid objection made to the Naturalization of such Alien, such Court, on the last day of such general sitting, shall direct that such Certificate be filed of record in the said Court, and thereupon such Alien shall be thereby admitted and confirmed in all the rights and privileges of British birth, to all intents whatever, as if he or she had been born within Canada.

Effect of such filing, if no objection be made.

Certificate of naturalization to be granted under seal of Court.

6. Every such person shall be then entitled to receive a Certificate of Naturalization under the seal of such Court, and the signature of the Clerk thereof, 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:

Dominion of Canada,
Province of
Circuit, (or County or City) of
to wit:

In the Court of

Form of such certificate.

Whereas A. B., of, &c. (*describing him or her as formerly of such a place, in such a Foreign Country, and now of such a place in Canada, and adding his or her addition*), hath complied with the several requirements of the *Act respecting Aliens and Naturalization*, and the certificate thereof has been read in open Court, and thereupon, by order of the said Court, duly filed of record in the same, pursuant to the said Act; These are therefore to

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, to have, hold, possess and enjoy the same upon, from, and after the day of , (*the day of filing the 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 said law.

Given under my Hand and the Seal of the said Court, this day of , in the year of our Lord, one thousand eight hundred and

(*Signature,*) C. D.

Clerk of the Peace,

(*or Clerk of the Recorder's Court, or Clerk of the Circuit Court, or Clerk of the Supreme Court, as the case may be.*)

7. A copy of such Certificate of Naturalization may, at the option of the party, be registered in the Registry Office of any County or District or Registration Division within Canada, and a certified copy of such Registry shall be sufficient evidence of such Naturalization in all Courts and places whatsoever.

Copy of certificate may be registered.

8. Any Alien entitled, at the time of the passing of this Act, to be naturalized under the provisions of any of the Acts mentioned in the twelfth and fourteenth sections of this Act, may take the oaths or affirmations of Residence and of Allegiance, and obtain Certificates as aforesaid, in the same manner as Aliens entitled to be naturalized under the provisions of the third section of this Act, and with the same effect, to all intents and purposes :

Aliens entitled to be naturalized under former Acts may take oaths and obtain certificates under this Act.

2. Notwithstanding anything in this Act, all Aliens now resident within the Province of Nova Scotia, and entitled to be naturalized by virtue of the thirty-fourth Chapter of the Revised Statutes of Nova Scotia, shall hereafter, on fulfilling the requirements of the said last mentioned Chapter, be entitled to all the privileges by this Act conferred on persons naturalized under this Act.

As to aliens entitled to naturalization under Cap. 34, of Rev. Stat. N. S.

9. The Clerk of the Peace or Clerk of the Recorder's Court, or Clerk of the Circuit Court, or Clerk of the Supreme Court, shall, for reading and filing the Certificate of Residence, and preparing and issuing the Certificate of Naturalization under the Seal of the Court, be entitled to receive from such person the sum of twenty-five cents, and no more ;— And the Registrar shall, for recording the said last mentioned Certificate, be entitled to receive from such person, the sum of fifty cents, and a further sum of twenty-five cents for every search and certified copy of the same, and no more.

Fees to be taken under this Act.

Privileges of naturalization under this Act to be subject to provisions of the Imperial Act, 10, 11, V, c. 83.

10. The privileges of Naturalization imparted by this Act to the several classes of persons herein mentioned, are imparted to such persons respectively on the terms and conditions herein set forth, and are to be by such persons exercised and enjoyed, 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 Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: *An Act for the Naturalization of Aliens.*

Act of U. C. 54 G. 3, c. 9, not affected.

11. Nothing in this Act contained shall repeal or in any manner affect the 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.

This Act not to affect 4 & 5 V. c. 7, or sections 1, 2 or 3 of 12 V. c. 197, or any rights acquired under the same.

12. Nor shall any thing in this Act contained repeal or in any manner affect the Act passed in the session held in the fourth and fifth years of Her Majesty's reign, chapter seven, intituled: *An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects*, or the first, second or third section of the Act passed in the twelfth year of Her Majesty's reign, chapter one hundred and ninety-seven, intituled: *An Act to repeal a certain Act therein mentioned, and to make better provision for the Naturalization of Aliens*,—or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.

PENALTY FOR FALSE SWEARING.

Penalty on persons swearing or affirming falsely.

13. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by Law, forfeit all the privileges or 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.

Con. Stat. Can. c. 8, except sec. 9:—chapter 34 of R. S. N. S. except sections 1, 2 and 3: acts of N. B.

14. The following Acts are hereby repealed, that is to say: The Act *respecting the Naturalization of Aliens*, forming the eighth chapter of the Consolidated Statutes of Canada, save and except the ninth section thereof, the thirty-fourth chapter of the Revised Statutes of Nova Scotia, third series, *Of the privileges and Naturalization of Aliens*, save and except the first, second

second and third sections thereof; the Act of the Legislature of New Brunswick, passed in the twenty-fourth year of Her Majesty's reign, chapter fifty-four, intituled: *An Act relating to the Naturalization of Aliens*; and the Act of the same Legislature passed in the twenty-eighth year of Her Majesty's reign, chapter five, intituled: *An Act to amend the Act relating to the Naturalization of Aliens*; but nothing in this section contained shall impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person, or by any other party, by virtue of such naturalization, all which shall remain valid, and be possessed and enjoyed by such person or party respectively.

24 V. c. 54,
and 28 V. c. 5,
repealed.

Saving the
rights of per-
sons natu-
ralized under
the same.

C A P. L X V I I.

An Act respecting the Geological Survey of Canada.

[Assented to 22nd May, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Preamble.

1. Out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, the sum of thirty thousand dollars shall be annually applied for the term of five years from the first day of July, one thousand eight hundred and sixty-seven, to defray the expenses of the Geological Survey of Canada, during the said term; which sum shall be paid at such times and in such manner as the Governor in Council may direct, subject to the provisions hereinafter made; and any balance remaining unexpended out of the sum appropriated for any one year, may be applied and expended in the next or any subsequent year, in addition to the sum appropriated for such next or subsequent year.

Appropriation
of \$30,000
yearly for 5
years for Geo-
logical Sur-
vey.

2. The Governor may employ a suitable number of competent persons to make, continue and complete the Geological Survey of Canada, and to furnish a full and scientific description of its rocks, soils and minerals, which shall be accompanied with proper maps, diagrams and drawings and a collection of specimens to illustrate the same, and may direct the publication of such maps and drawings as he may deem necessary for that purpose, and the deposit thereof in the Geological Museum, as a collection for the whole Dominion of Canada, and which shall be open at all reasonable hours to the public, and shall be furnished with such books and instruments as may be necessary for the illustration of the science and the prosecution of the Survey, and may from time to time order the distribution of the publications relative to the Survey and of duplicate specimens, to scientific institutions in Canada and other countries.

Employment
of competent
persons autho-
rized.

Nature of
survey.

Museum.

Distribution
of reports,
specimens, &c.