

No. XXXIX.

ALIENS.

An Act to amend the Laws relating to Aliens within the Colony of New South Wales. [Reserved—2nd October, 1847.]

Preamble.

7 and 8 Vic. c. 66.

Every person born of a British mother may hold real or personal estate in New South Wales.

Alien friends may hold personalty.

WHEREAS an Act of Parliament was passed in the seventh and eighth years of the reign of Her Majesty Queen Victoria intituled "*An Act to amend the Laws relating to Aliens*" and it is expedient to adopt the provisions of the said recited Act in so far as the same can be made applicable in the Colony of New South Wales Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That every person now born or hereafter to be born out of Her Majesty's Dominions of a Mother being a natural born subject of the United Kingdom of Great Britain and Ireland shall be capable of taking to him or her or his or her heirs executors or administrators any estate real or personal within the said Colony of New South Wales by devise or purchase or inheritance of succession.

2. And be it enacted That from and after the passing of this Act every Alien being the subject of a friendly State shall and may take and hold by purchase gift bequest representation or otherwise every species of personal property except chattels real as fully and effectually to all intents and purposes and with the same rights remedies exemptions privileges and capacities as if he or she were a natural born subject of the United Kingdom of Great Britain and Ireland.

Aliens.

3. And be it enacted That every Alien now residing in or who shall hereafter come to reside in any part of the Colony of New South Wales and being the subject of a friendly State may by grant lease demise assignment bequest representation or otherwise take and hold any lands houses or other tenements for the purpose of residence or of occupation by him or her or his or her servants or for the purpose of any business trade or manufacture for any term of years not exceeding twenty-one years as fully and effectually to all intents and purposes and with the same rights remedies exemptions and privileges except the right to vote at elections of Members of the Legislative Council of the said Colony as if he were a natural born subject of the United Kingdom of Great Britain and Ireland.

Subjects of a friendly State may hold lands for twenty-one years.

4. And be it enacted That upon obtaining the certificate and taking the oath as hereinafter prescribed every Alien now residing in or who shall hereafter come to reside in any part of the Colony of New South Wales with intent to settle therein shall enjoy all the rights and capacities within the said Colony which a natural born subject of the United Kingdom of Great Britain and Ireland can enjoy or transmit except that such Alien shall not be capable of becoming a Member of the Executive or Legislative Council of the said Colony or of enjoying such other rights and capacities if any as shall be specially excepted in and by the certificate to be granted in manner hereinafter mentioned.

Alien to become naturalized within the Colony upon obtaining a certificate.

5. And be it enacted That it shall be lawful for any such Alien as aforesaid to present to the Governor of the said Colony for the time being a memorial stating the age profession trade or other occupation of the memorialist and the duration of his or her residence in New South Wales and all other the grounds on which he or she seeks to obtain any of the rights and capacities of a natural born British subject within the said Colony and praying the said Governor to grant to the memorialist the certificate hereinafter mentioned.

Aliens desirous of being naturalized to present a memorial to the Governor.

6. And be it enacted That every such memorial shall be considered by the said Governor who shall inquire into the circumstances of each case and receive all such evidence as shall be offered by affidavit or otherwise as he may deem necessary or proper for proving the truth of the allegations contained in such memorial and that the said Governor if he shall so think fit may issue a certificate reciting such of the contents of the memorial as he shall consider to be true and material and granting to the memorialist (upon his or her taking the oath hereinafter prescribed) all the rights and capacities within the said Colony of New South Wales of a natural born British subject except the capacity of being a Member of either the Executive or the Legislative Council and except the rights and capacities (if any) specially excepted in and by such certificate.

Memorial to be considered by Governor who may grant a certificate.

7. And be it enacted That such certificate shall be enrolled for safe custody as of record in the Supreme Court of the said Colony and may be inspected and copies thereof taken under such regulations as a Judge or Judges of the said Supreme Court shall direct.

Certificate to be enrolled.

8. And be it enacted That within sixty days from the day of the date of such certificate every memorialist to whom rights and capacities shall be granted by such certificate shall take and subscribe the following oath (that is to say) —

Oath to be taken.

“ I A. B. do sincerely promise and swear that I will be faithful
 “ and bear true allegiance to Her Majesty Queen Victoria
 “ and will defend her to the utmost of my power against
 “ all conspiracies and attempts whatever which may be
 “ made against Her Person Crown or Dignity and I will
 “ do my utmost endeavour to disclose and make known to
 “ Her Majesty Her Heirs and Successors all treasons and
 “ traitorous conspiracies which may be formed against Her

Aliens.

“ or Them and I do faithfully promise to maintain support
 “ and defend to the utmost of my power the succession of
 “ the Crown which succession by an Act intituled ‘ *An Act*
 “ ‘ *for the further limitation of the Crown and better secur-*
 “ ‘ *ing the rights and liberties of the Subject*’ is and stands
 “ limited to the Princess Sophia Electress of Hanover and
 “ the Heirs of her Body being Protestants hereby utterly
 “ renouncing and abjuring any obedience or allegiance
 “ unto any other person claiming or pretending a right to
 “ the Crown of this realm—So help me God”

Which oath shall be taken and subscribed by such memorialist and shall be duly administered to him or her before any one of the Judges of the Supreme Court of New South Wales and that the Judge before whom such oath may be administered shall grant to the memorialist a certificate of his or her having taken and subscribed such oath accordingly and such certificate shall be signed by the said Judge.

Certificate.

9. And be it enacted That the several proceedings hereby authorized to be taken for obtaining such certificate as aforesaid shall be regulated in such manner as the Governor of the said Colony for the time being shall from time to time direct.

Fees to be fixed by the Governor and Executive Council.

10. And be it enacted That the fees payable in respect of the several proceedings hereby authorized shall be fixed and regulated by the said Governor with the advice of the Executive Council.

Persons naturalized five years before passing of this Act.

11. And be it enacted That all persons who shall have been naturalized or who shall have obtained under due authority letters of denization before the passing of this Act and who shall have resided in the said Colony of New South Wales during five successive years shall be deemed entitled to and shall enjoy all such rights and capacities of British subjects within the said Colony as may be conferred on aliens by the provisions of this Act.

Act not to affect pre-existing rights.

12. Provided always and be it enacted That nothing in this Act shall prejudice or be construed to prejudice any rights or interests in Law or in Equity whether vested or contingent under any will deed or settlement executed by any natural born subject of Great Britain or Ireland before the passing of this Act or under any descent or representation from or under any such natural born subject who shall have died before the passing of this Act.

Saving rights of Aliens.

13. And be it enacted That nothing herein contained shall be construed so as to take away or diminish any right privilege or capacity heretofore lawfully possessed by or belonging to Aliens residing in the said Colony of New South Wales so far as relates to the possession or enjoyment of any real or personal property but that all such rights shall continue to be enjoyed by such Aliens in as full and ample a manner as such rights were enjoyed before the passing of this Act.

Woman married to natural born subject deemed naturalized within the Colony.

14. And be it enacted That any woman married or who shall be married to a natural born subject or person naturalized shall be deemed and taken to be herself naturalized and have all the rights and privileges of a natural born subject within the said Colony.

English laws inconsistent herewith not to extend to this Colony.

15. Provided always and be it enacted That all Laws and Statutes of England affecting Aliens so far as the same may be inconsistent with the provisions of this Act shall be deemed taken and adjudged not to extend to the said Colony or to be in force within the same.