



ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1863.

No. 26.

An Act to amend and consolidate the Laws relating to Aliens.

[Reserved, 12th November, 1863.]

WHEREAS it is expedient to amend and consolidate the laws relating to Aliens—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as “The Aliens Act, 1863.” Short title of Act.

2. An Act, No. 20 of 21st Victoria, intituled “An Act to amend and consolidate the Acts relating to Aliens;” and an Act, No. 20 of 1860, intituled “An Act to afford to Aliens who have been naturalized in Great Britain or in any of the Australasian Colonies, certain Privileges within the Province of South Australia,” are hereby repealed, save as regards all rights which may have been lawfully acquired under or by virtue of the said Acts, or either of them, and as regards persons who shall have applied to be naturalized prior to the passing of this Act, and save so far as may be necessary to enable any punishment to be inflicted for any offence against the said Acts, or either of them: Provided that no Act or Ordinance, repealed by the said Acts or either of them shall be revived by this Act. Repeal of Acts.

3. In the construction of this Act, the expression “Governor in Council” shall mean the Governor-in-Chief of the said Province, with the advice and consent of the Executive Council thereof. Interpretation of terms.

4. Every

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Every person born of a mother who is a natural born or naturalized subject, capable of holding real or personal estate.

4. Every person now born, or hereafter to be born, out of Her Majesty's dominions, of a mother being a natural born or naturalized subject of Her Majesty, shall be capable of taking to him, his heirs, executors, or administrators, any estate, real or personal, within the said Province, by devise, or purchase, or inheritance of succession.

Alien friends may hold real and personal property.

5. Every alien friend resident in the said Province may inherit, or otherwise take by representation, acquire, hold, convey, assign, devise, bequeath, or otherwise dispose of every description of property, whether real or personal, in the same manner as if he were a natural born subject of Her Majesty.

Former conveyances by aliens legalized.

6. Every grant, conveyance, assignment, or will, to or by any such alien, made prior to the passing of this Act, shall be as valid and effectual as if it had been made to or by a natural born subject of Her Majesty.

Conditions of naturalization.

7. When any alien friend now residing in, or who shall hereafter reside within the said Province desires to be naturalized, if he be of good repute, and if he take the oath prescribed in Schedule A hereto, the Governor may, if he think fit, grant to him under the seal of the said Province letters of naturalization, subject to such conditions (if any) as he may consider necessary or advisable.

Naturalization to extend to wife.

8. When any alien woman is married to any natural born or naturalized subject of Her Majesty, such woman shall thereby become and be naturalized.

Mode of obtaining naturalization.

9. When any person desires to obtain naturalization under this Act, he may present to the Governor in Council a memorial signed by himself and verified upon oath, stating his name, age, birth-place, residence, and occupation, the length of his residence in the said Province, and his desire to settle therein, and praying that letters of naturalization may be granted to him, and also a certificate signed by some Justice of the Peace to the effect that the applicant is known to him, and is, to the best of his belief and knowledge, a person of good repute.

Applicant to take oath of allegiance.

10. If the Governor in Council think fit to grant such letters, he shall direct the applicant to take the oath prescribed by this Act before some one of the Judges of the Supreme Court, or before a Commissioner for taking affidavits in the said Court, and upon the certificate of such Judge or Commissioner that the applicant has taken before him the said oath, he shall issue letters of naturalization accordingly, which letters of naturalization shall be in duplicate, and one part shall be deposited in the Registry Office of the said Province.

Effect of letters of naturalization.

11. Upon obtaining the letters of naturalization hereinbefore prescribed, every alien now residing in, or who shall hereafter come to reside in, any part of the said Province with intent to settle therein, shall

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shall enjoy within the same all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit within the said Province, except that such alien shall not be capable of becoming a Member of Her Majesty's Council, nor of Parliament, unless he shall have resided in the said Province for a period of five years, and until the expiration of three years after the granting of such letters of naturalization, nor of enjoying such other rights and capacities as shall be specially excepted in and by such letters of naturalization.

12. Every alien who shall have obtained letters of naturalization in the United Kingdom of Great Britain and Ireland, or any part thereof, or in any British Colony on the continents of Australia, Africa, or America, or in the Colony of Tasmania or New Zealand, which letters of naturalization shall recite that the person mentioned therein has taken an oath of allegiance to Her Most Gracious Majesty, and shall grant to such person any of the rights and privileges of a British subject within the Kingdom or Colony in which the same shall have been issued, shall be entitled to obtain the privileges of naturalization within the said Province upon the terms and in the manner hereinafter set forth.

Alien having obtained letters of naturalization elsewhere may obtain same here.

13. Every such alien shall deposit in the Registry Office of the said Province the original letters of naturalization so granted to him, and a true copy thereof in such form as may, for the time being, be required by the Registrar-General of the said Province, and shall at the same time make and subscribe a declaration before the Registrar-General of the said Province, or any of the Deputy Registrars of the same, and which declaration the said Registrar-General or Deputy Registrar is hereby authorized to receive, that he is the person named in such letters of naturalization, and that the same had been obtained without any fraud or intentional false statement, and that the signature and seal (if any) to the said letters of naturalization are to the best of his knowledge and belief genuine, and shall also take and subscribe the oath prescribed by this Act, and which oath shall be taken and subscribed by him before, and shall be duly administered to him by the Registrar-General, or any of the Deputy Registrars aforesaid, and the Registrar-General or Deputy Registrar shall thereupon endorse upon the original letters of naturalization, and also upon the copy deposited therewith, a statement under the hand and seal of office of such Registrar-General or Deputy Registrar-General, that the person mentioned therein hath made the declaration and taken the oath by this Act directed to be made and taken, and shall also endorse upon such copy a certificate that it has been examined with the original and has been found to be correct; and shall thereupon deliver to such person the original letters of naturalization with the endorsement thereon, and from and after such endorsement such alien shall have, enjoy, and exercise within the said Province all the rights, privileges, and capacities of a natural-born British subject that are granted, enjoyed, and exercised by, and by virtue of the letters of naturalization authorized to

Letters of naturalization and copy to be deposited.

Declaration.

Oath of allegiance.

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- Privileges conferred. be granted by this Act ; and all letters of naturalization granted in the said Province, and all copies of any letters of naturalization, and of the endorsement thereon, to be deposited as above-mentioned, may be inspected, and copies thereof taken and granted, as in the case of other instruments deposited in the Registry Office aforesaid.
- Inspection of copies.
- Penalty for false statement. 14. If any person to whom letters of naturalization have been granted be convicted of having made any false statement in his memorial, or if any person shall make any false statement in the declaration to be made by him, as mentioned in the last preceding section, he shall be deemed guilty of perjury, and such letters of naturalization shall, except as against *bonâ fide* purchasers from such person for valuable consideration, become utterly void.
- Governor to make rules. 15. The several proceedings hereby authorized to be taken for obtaining letters of naturalization as aforesaid, shall be regulated in such manner as the Governor in Council shall from time to time direct.
- Fees payable. 16. The fees payable in respect of the several proceedings hereby authorized shall be the fees specified in Schedule B to this Act.
- Persons heretofore naturalized to enjoy same privileges as if naturalized under this Act. 17. Every person who shall have been duly naturalized under any law heretofore in force in the said Province, shall have, enjoy, and exercise the same rights, privileges, and capacities as if he had obtained letters of naturalization under this Act.
- Letters of naturalization to be *prima facie* evidence, without further proof. 18. All letters of naturalization, and every certified copy of any letters of naturalization, deposited as aforesaid with the endorsements thereon, already granted, or hereafter to be granted, shall be admissible in evidence without proof of the signature or seal authenticating the same, and shall be *prima facie* proof of the person named therein being duly naturalized, and of the signature or seal authenticating the same, and of all the matters contained or recited in such letters of naturalization, or certified copy respectively, and of the official character of the persons appearing to have signed the same.

I hereby reserve this Act for the signification of the Queen's pleasure.

D. DALY, Governor.

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SCHEDULES REFERRED TO.

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I do sincerely promise and swear 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 this Province of South Australia. So help me God.

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|---|---|----|----|
| Letters of naturalization in duplicate, depositing, and oath | 1 | 1 | 0 |
| Depositing copy, letters of naturalization granted out of the Province, declaration, and endorsing certificate, &c. | 0 | 10 | 6 |