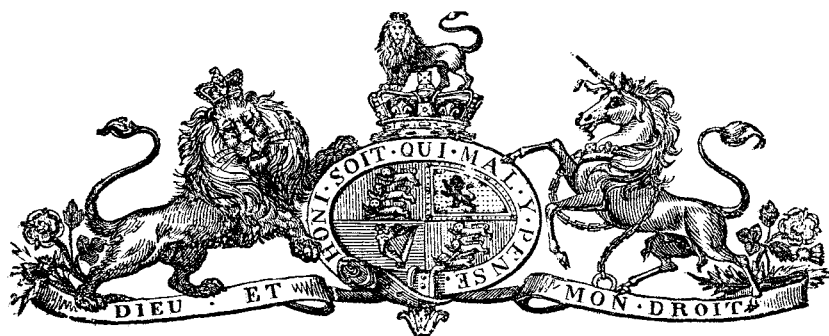


T A S M A N I A.



1861.

ANNO VICESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 2.



AN ACT for the Naturalization of Aliens.

[30 November, 1861.]

**B**E it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

**1** 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, shall be capable of taking to him, his Heirs, Executors, or Administrators, any Estate within this Colony, Real or Personal, by devise or purchase, or inheritance of succession.

Person born of a Mother who is a naturalized subject, capable of holding Real or Personal Estate.

**2** 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) within the Colony, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, privileges, and capacities as if he were a natural-born Subject of the United Kingdom.

Aliens, friendly, may hold Personal Property, except Chattels Real.

**3** Every Alien now residing in, or who hereafter comes to reside in, any part of the Colony, 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

Aliens, friendly, may hold lands for Twenty-one Years.

Servants, 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 be a Member of the Parliament of the Colony, and to vote at Elections for Members of Parliament), as if he were a natural-born Subject of the United Kingdom.

Aliens become naturalized on obtaining Certificate.

**4** Upon obtaining the Certificate and taking the Oath hereinafter prescribed, every Alien now residing in, or who shall hereafter come to reside in, any part of the Colony, with intent to settle therein, shall enjoy all the rights and capacities which a natural-born Subject of the United Kingdom can enjoy or transmit within the Colony, except such rights and capacities (if any) as are specially excepted in and by the Certificate to be granted in manner hereinafter mentioned.

Aliens to present Memorial.

**5** It shall be lawful for any such Alien as aforesaid to present to the Governor a Memorial, stating the age, profession, trade, or other occupation of the Memorialist, and the duration of his residence in the Colony, and all other the grounds on which he seeks to obtain any of the rights and capacities of a natural-born *British* Subject within the Colony, and praying the Governor to grant to the Memorialist the Certificate hereinafter mentioned.

Memorial to be considered by Governor who may grant Certificate.

**6** Every such Memorial shall be considered by the Governor in Council, 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 the Governor, if he 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 taking the Oath hereinafter prescribed) all the rights and capacities of a natural-born *British* Subject within the Colony, except the rights and capacities (if any) specially excepted in and by such Certificate.

Certificate to be enrolled.

**7** Such Certificate shall be enrolled for safe custody as of record in the Supreme Court, and may be inspected, and copies thereof taken, under such regulations as the Judges shall direct.

Alien to take Oath.

**8** 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,—

Form of Oath.

“ I, *A.B.*, 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 Colony, 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 whatsoever 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, and renouncing all pardons and dispensations from any person or persons whatever to the contrary. SO HELP ME GOD!”

Which Oath shall be taken and subscribed by such Memorialist, and be

duly administered to him, before any Judge or Commissioner of the Supreme Court, who shall grant to the Memorialist a Certificate of his having taken and subscribed such Oath accordingly ; and such Certificate shall be signed by the Judge or Commissioner before whom such oath is administered.

**9** The several proceedings hereby authorised to be taken for obtaining such Certificate as aforesaid shall be regulated in such manner as the Governor shall from time to time direct. Rules to be made by Governor.

**10** The Fees specified in the Schedule, and no others, shall be payable in respect of the several proceedings hereby authorised ; and the same shall form part of the General Revenue. Fees payable.

**11** All persons who shall have been naturalized, or have taken out Letters of Denization, before the passing of this Act, and who shall have resided in the Colony during Five successive Years, shall be deemed entitled to, and shall enjoy, all such rights and capacities of *British* Subjects as may be conferred on Aliens by the provisions of this Act. Naturalized persons resident five years, to enjoy rights as Aliens.

**12** Nothing in this Act shall prejudice, or be construed to prejudice, any rights or interests at Law or in Equity, whether vested or contingent, under any Will, Deed, or Settlement executed by any natural-born *British* Subject 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. Act not to effect pre-existing rights.

**13** 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 Colony, 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. Act not to take away rights of Aliens.

**14** 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. Women married to natural born subjects deemed naturalized.

**15** All hereditaments which have heretofore been held, disposed of, or transmitted by or through any Alien, shall be deemed to have been lawfully holden, disposed of, and transmitted, and not to have been liable to escheat or forfeiture ; and all hereditaments now held by any Alien may be lawfully held, disposed of, and transmitted, without being liable to escheat or forfeiture. Hereditaments acquired, or disposed of by Aliens, not liable to escheat.

**16** The Act of Council of 5th *William* the 4th, No. 4, is hereby repealed. Repeal of 5 Will. No. 4.

**17** In referring to this Act it shall be sufficient to use the expression *The Alien Act*. Short Title.

## SCHEDULE.

---

	<i>s.</i>	<i>d.</i>
For Certificate .....	2	6
For enrollment of Certificate .....	2	6
For every certified Copy thereof.....	1	0