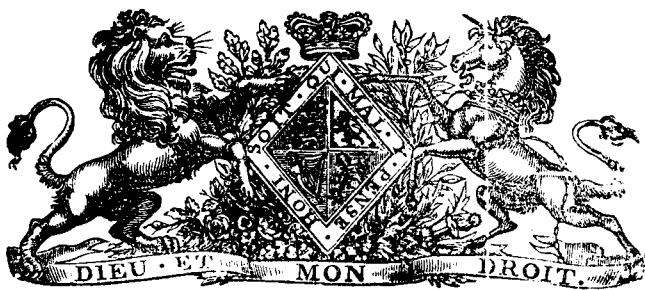


# New South Wales.



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### No. XIX.

#### NATURALIZATION. An Act to amend the Law relating to Aliens. [Reserved—29th June, 1875.]

##### Preamble.

WHEREAS by the Imperial Statute of the thirty-third year of Her present Majesty intituled “*An Act to amend the Law relating to the Legal Condition of Aliens and British subjects*” it is enacted that all laws statutes and ordinances which may be duly made by the Legislature of any British Possession for imparting to any person the privileges or any of the privileges of naturalization to be enjoyed by such person within the limits of such Possession shall within such limits have the authority of law but shall be subject to be confirmed or disallowed by Her Majesty in the same manner and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws statutes or ordinances in that Possession And whereas it is expedient to amend the Law of this Colony relating to aliens in order that the same should as far as practicable be assimilated to that in force in the United Kingdom Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

##### Commencement and short title.

1. This Act shall come into force on the first day of January one thousand eight hundred and seventy-six and may be cited for all purposes as the “Naturalization Act of New South Wales.”

Repeal of 11 Vic. No. 39 and 17 Vic. No. 8.

2. The Acts of the eleventh and seventeenth years of Her present Majesty intituled respectively “*An Act to amend the Laws relating to Aliens within the Colony of New South Wales*” and “*An Act to amend the Act relating to the naturalization of Aliens*” are hereby repealed But such repeal shall not operate in derogation or prejudice of any right title or capacity whether vested contingent or acquired under

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under either of the said Acts prior to the passing of this Act nor shall such repeal affect any liability penalty or forfeiture accrued or incurred before the passing of this Act or the institution of any investigation or proceeding for ascertaining or enforcing any such liability penalty or forfeiture.

3. Real and personal property of every description in New South Wales may be taken acquired held and disposed of by an alien in the same manner in all respects as by a natural born British subject and a title to any such property may be derived through from or in succession to an alien in the same manner in all respects as through from or in succession to a natural born British subject. But nothing in this section contained

- (1.) Shall qualify an alien for any office or extend or be construed to confer any Parliamentary Municipal or other Franchise in New South Wales.
- (2.) Shall qualify an alien to be the owner of a British ship.
- (3.) Shall affect any estate or interest in real or personal property in the said Colony to which any person has or may become entitled either mediately or immediately in possession or expectancy in pursuance of any disposition made before the passing of this Act or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.
- (4.) Or shall entitle an alien to any right or privilege as a British subject in the said Colony except such rights and privileges in respect of property or otherwise as are hereby expressly given or extended to him.

4. An alien who has resided in New South Wales for a term of not less than five years within such limited time before making the application hereinafter mentioned as may be allowed by the Governor either by general order or on any special occasion and who intends when naturalized to reside in the said Colony may apply to the Governor for a certificate of naturalization. The applicant shall produce in support of his application his own statutory declaration stating his name age birthplace occupation and residence also a like declaration of some other person as to the applicant's term of residence within the said Colony and give such further evidence of the completion by him of the said term of residence and of his intention to reside in the Colony as the Governor may require who if satisfied with the evidence adduced shall take the applicant's case into consideration and may with or without assigning any reason give or withhold a certificate as he thinks most conducive to the public good. And no appeal shall lie from his decision but no such certificate shall have any effect until the applicant has taken the oath of allegiance hereinafter prescribed.

5. If the Governor think fit to grant such certificate of naturalization he shall direct the applicant to take the oath of allegiance prescribed by this Act before some Judge of the Supreme Court or of a District Court or before some Police Magistrate or Justice of the Peace and upon the certificate of such Judge Police Magistrate or Justice that the applicant has taken before him the said oath he shall issue to the applicant a certificate of naturalization accordingly.

6. Every person to whom a certificate of naturalization under this Act or the Act eleven Victoria number thirty-nine hereby repealed has been granted shall in this Colony be entitled to all political and other rights powers and privileges and be subject to all obligations to which a natural-born British subject is entitled or subject in this Colony anything in the Constitution Act seventeen Victoria number forty-one section two the "Electoral Act of 1858" twenty-two Victoria number twenty sections eight and nine or the "Jury Act of 1847" eleven Victoria number twenty section three to the contrary notwithstanding.

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Status of married women and of children of aliens.

7. Every married woman shall in this Colony be deemed to be a subject of the State of which her husband is for the time being a subject. And every alien woman married to a natural-born British subject or person who shall have obtained a certificate of naturalization under this or the last-mentioned Act shall be deemed to be herself naturalized and to have had in this Colony from the time of her marriage all the rights and privileges of a natural-born British subject. Every child under the age of sixteen years whose father or mother shall at the time of the birth of such child have been an alien but shall have afterwards obtained a certificate of naturalization or whose mother being an alien shall have married a natural-born British subject shall if such child shall have been resident in this Colony at any time while under that age be deemed naturalized and to have all the rights and privileges of a natural-born British subject.

Persons naturalized in other British Colonies may be naturalized in this Colony.

8. When any person resident in this Colony has previously obtained any certificate of naturalization in the United Kingdom or in any British Colony and desires to be naturalized in this Colony if he submit such certificate to the Governor and if he further satisfy the Governor that he is the person named in such certificate and that the same has been obtained without any fraud or intentional false statement and that the signature and the seal (if any) thereto are to the best of his belief and knowledge genuine the Governor may at his discretion grant a certificate of naturalization without requiring from the applicant any further residence in this Colony or other condition.

Record of certificate &c.

9. The Colonial Secretary shall enrol for safe custody as of record all certificates of naturalization granted under this Act and shall demand and receive from every person to whom such certificate is granted the fee of one pound in respect of such enrolment and shall cause to be made proper indices to such certificates and shall permit every person desirous of so doing at all reasonable times to inspect the same and make copies of such certificates on payment of the fee of one shilling for every such inspection and no person to whom any such certificate is granted shall be liable to any other fees or charges for such certificate enrolment or otherwise.

Form of oath of allegiance.

10. The oath in this Act referred to as the Oath of Allegiance shall be in the form following that is to say—

“I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria her heirs and successors according to law. So help me GOD.”

Certificate of naturalization how proved.

11. A certificate of naturalization may be proved in any proceeding in any Court by the production of the original certificate or of any copy thereof certified to be a true copy under the hand of the Colonial Secretary.

Interpretation.

12. In the construction of this Act the word Governor where hereinbefore used shall mean Governor with the advice of the Executive Council.

Saving of letters of denization.

13. Nothing in this Act contained shall affect the prerogative right of the Crown as exercised by the Governor of granting letters of denization to be in force in this Colony.

Provision for protection of existing interests.

14. Nothing in this Act shall deprive any person of any estate or interest in any property to which such person is entitled at the time of the passing of this Act or shall affect any such estate or interest to such person's prejudice.