



1846.

No. 7.

ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

To amend the Laws relating to Aliens.

[28th July, 1846.]

WHEREAS by an Act, passed in the Session of Parliament, of Preamble
7 and 8 Vict., c. 66. the seventh and eighth years of Her Majesty's reign (cap. 66), intituled "An Act to amend the Laws relating to Aliens," the Laws in force affecting Aliens were amended in certain respects; and it is expedient to assimilate the Law of this Province to the Law of England in this behalf:

BE IT THEREFORE ENACTED, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof: That the said recited Act of Parliament, so far as the same is applicable to this Province shall be and is hereby adopted, and shall be applied in the administration of justice in the said Province, in like manner as other Laws of England are therein applied; and all Aliens now residing, or who shall hereafter come to reside in South Australia, shall enjoy within the said Province all the like Adoption of 7 and 8
Vict., c. 66. rights

rights and capacities as they would be entitled to if they were resident in the United Kingdom.

Every person born of a British mother capable of holding real or personal estate.

II. AND BE IT ENACTED, 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, shall be capable of taking to him, his heirs, executors, or administrators, any estate, real or personal, by devise or purchase, or inheritance of succession.

Alien friends may hold every species of personal property, except chattels real.

III. 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 were a natural-born subject of the United Kingdom.

Subjects of a friendly state may hold lands, &c., for the purpose of residence, &c., for twenty-one years.

IV. AND BE IT ENACTED, that every Alien, now residing in, or who shall hereafter come to reside in any part of this Province, 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 for Members of the Legislature, as if he were a natural-born subject of the United Kingdom.

Aliens to become naturalized upon obtaining certificate, taking prescribed oath, and becoming residents in the province.

V. AND BE IT ENACTED, that 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 this Province, with intent to settle therein, shall enjoy within the same, all the rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit, except that such Alien shall not be capable of becoming a Member of Her Majesty's Councils, nor of the Legislature, nor 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.

Aliens desirous of becoming naturalized to present a memorial.

VI. AND BE IT ENACTED, that 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 Great Britain or Ireland, or in this Province, and all other the grounds on which he seeks to obtain any of the rights and capacities of a natural-born British subject,

subject, and praying the granting of the certificate hereinafter mentioned.

VII. AND BE IT ENACTED, that every such Memorial shall be considered by the 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 taking the oath hereinafter prescribed, and subject to Her Majesty's confirmation or disallowance), all the rights and capacities of a natural-born British subject, except the capacity of being a Member of the Councils, or of the Legislature, and except the rights and capacities (if any) specially excepted in and by such certificate; and every such certificate being confirmed by Her Majesty through one of Her Majesty's principal Secretaries of State, or in such other manner as Her Majesty may be pleased to appoint, shall take effect by relation from the date thereof.

Memorial to be considered by Governor, who may issue a certificate.

VIII. AND BE IT ENACTED, that such certificate shall be enrolled for safe custody, in the Registry Office of this Province, and may be inspected, and copies thereof taken, under the like regulations as in the case of other instruments so enrolled.

Certificate to be enrolled.

IX. 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 con-
 "spiracies 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 or them; and I do faithfully promise to main-
 "tain, support, and defend, to the utmost of my power, the suc-
 "cession of the Crown, which succession, by an Act, intituled *An*
 "*Act for the further limitation of the Crown, and better securing 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

Approved by Gen. 20- / 57.8

Which Oath shall be taken and subscribed by such Memorialist, and shall be duly administered to him or her, before any Judge or Commissioner of the Supreme Court, or before the Registrar of the Province, who 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 such Judge, Commissioner, or Registrar, before whom such Oath shall be administered.

Proceedings for obtaining certificate.

X. 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 shall from time to time direct.

Amount of fees to be payable.

XI. AND BE IT ENACTED, that the fees payable in respect of the several proceedings hereby authorized, shall be the fees specified in the Schedule hereto annexed, and no other.

Naturalized persons resident five years to enjoy rights as Aliens.

XII. AND BE IT ENACTED, that all persons who shall have been naturalized before the passing of this Ordinance, and who shall have resided in this Province 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 Ordinance.

Ordinance not to affect pre-existing rights.

XIII. PROVIDED ALWAYS, AND BE IT ENACTED, that nothing in this Ordinance 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 Ordinance, or under any descent or representation from or under any such natural-born subject, who shall have died before the passing of this Ordinance.

Ordinance not to take away rights of Aliens.

XIV. 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 this Province, 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 Ordinance.

Women married to natural-born subjects deemed naturalized.

XV. 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.

XVI, AND

XVI. AND BE IT ENACTED, that this Ordinance shall not commence or take effect until the same shall have received the Royal Approbation, and the notification of such approbation shall have been made by the Governor in the *South Australian Government Gazette*.

Ordinance not to take effect till Royal Approbation.

SCHEDULE REFERRED TO.

	£	s.	d.
Fee on Certificate	0	10	6
“ Enrolment, same as in the case of other Instruments.			
“ Oath	0	5	0
“ Confirmation being notified	1	0	0

FREDK. H. ROBE,
Lieutenant-Governor.

Passed the Legislative Council this twenty-eighth day of July, One Thousand Eight Hundred and Forty-six.

W. L. O'HALLORAN,
Clerk of Council.