

ALIENS ACT 1890.

54 VICTORIA,
No. 1063.

An Act to consolidate the Law relating to Aliens.

[10th July, 1890.]

"The Aliens
Statute 1865."

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title and
commencement.

1. This Act may be cited as the *Aliens Act* 1890, and shall come into operation on the first day of August One thousand eight hundred and ninety.

Repeal.
First Schedule.

2. The Act mentioned in the First Schedule to this Act to the extent to which the same is thereby expressed to be repealed is hereby repealed. Provided that such repeal shall not affect any letters of naturalization granted or any memorial certificate enrolment or copy made or signed under the said Act before the commencement of this Act.

Alien friends
may hold real
and personal
property.
Ib. s. 3.

3. Notwithstanding any law or usage to the contrary, every alien friend resident in Victoria may inherit or otherwise take by representation acquire and hold either by grant from the Crown or otherwise and may 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 convey-
ances by aliens
legalized.
Ib. s. 4.

4. Every grant conveyance assignment or will to or by any such alien friend made prior to the coming into operation of this Act shall be taken to be as valid and effectual as if it had been made to or by a natural born subject of Her Majesty.

Conditions of
naturalization.
Ib. s. 5.
Second
Schedule.

5. When any alien friend now residing in or who shall hereafter reside within Victoria desires to be naturalized, if he be of good repute and if he take the oath prescribed in the Second Schedule hereto, the Governor in Council may (if he think fit) grant to him under the seal of the colony letters of naturalization. Provided that no person to whom letters of naturalization have heretofore been or shall hereafter be granted shall be capable of becoming a member of the Executive Council of Victoria; and that all such letters shall be and be deemed

to be subject to the provisions of any laws now or hereafter to be in force relating to the qualifications of members of the Legislative Council and Legislative Assembly of Victoria, and to the qualifications and registration of electors of members to serve in Parliament; and also subject to such conditions (if any) as the Governor may consider necessary or advisable.

6. When any alien woman in Victoria is married to any natural born or naturalized subject of Her Majesty such woman shall thereby become² and be naturalized in and for Victoria.^(a)

"The Aliens Statute 1865"

Naturalization to extend to wife.
Ib. s. 6.

7. 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 Victoria and his desire to settle therein and praying that letters of naturalization may be granted to him; and also a certificate signed by some warden police magistrate or justice of the peace to the effect that the applicant is known to the person so signing, and is to the best of such person's belief and knowledge a person of good repute.

Mode of obtaining naturalization.
Ib. s. 7.

8. 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 judge of the Supreme Court or of a county court or court of mines or some police magistrate; and upon the certificate of such judge or magistrate that the applicant has taken before him the said oath he shall issue to the applicant letters of naturalization accordingly.

Applicant to take oath of allegiance.
Ib. s. 8.

9. When any person resident in Victoria has previously obtained any certificate of naturalization in any British colony on the continents of Australia Africa or America or in the colony of Tasmania or of New Zealand, and desires to be naturalized in Victoria, if he submit such certificate to the Governor in Council and if he further state in his memorial as aforesaid 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

Facilities given to persons naturalized elsewhere.
Ib. s. 9.

(a) The words "in Victoria" in the first line, and "in and for Victoria" in the last line of this section, were omitted from the corresponding section of the Aliens Act, 26 Vict. No. 166. After the word "naturalization" in the second line of the 9th section of "*The Aliens Statute 1865*" with which the Act printed in the text corresponds, there were inserted in the corresponding section of Act No. 166 the words "in the United Kingdom of Great Britain and Ireland or any part thereof or." The Act No. 166 was reserved for and received, on January 9, 1863, the royal assent, which was proclaimed on the 10th April of that year. In the same year a Bill to amend and consolidate the law relating to aliens was passed by the Legislature of South Australia, containing two clauses (the 8th and the 12th) similar to the sections above referred to in the Victorian Act No. 166. This Bill, having been reserved for the Royal assent, was objected to upon the grounds stated in the following extract from a despatch of the Secretary of State for the colonies to the Governor

of South Australia, dated February 5, 1864:—
"I have to point out that the 8th and 12th clauses require amendment. The privileges conferred on women, who marry British subjects, by the 8th clause should be expressly confined within the limits of the province; and in the 12th clause the following words should be omitted, 'in the United Kingdom of Great Britain and Ireland' and 'kingdom or,' since there can be no doubt that a person naturalized in Great Britain has the rights of a British subject in the colonies, and the enactment as it now stands would seem to deny the existence of that right, and only to allow it on certain conditions which a colonial legislature cannot properly impose. If the law be re-enacted with these amendments you will be at liberty to assent to it in Her Majesty's name." The words objected to were, consequently, omitted from the 6th and 9th sections of "*The Aliens Statute 1865*," which now appear as the 6th and 9th sections of the Act in the text.

"The Aliens Statute 1865."

to the best of his belief and knowledge genuine, the Governor in Council may at his discretion grant the letters of naturalization without requiring from the applicant any further residence in Victoria or (if the applicant has previously taken a similar oath) the oath prescribed by this Act.

Letters of naturalization to be enrolled.
7b. s. 10

10. The Chief Secretary shall enrol for safe custody as of record all letters of naturalization granted under this Act; and a certified copy of every such certificate hereinbefore in the three preceding sections mentioned; and shall demand and receive from every person to whom such letters are granted the fee of one pound in respect of such enrolment; and shall cause to be made proper indices to such letters and certificates, and shall permit every person desirous of so doing to inspect the same and make copies of such letters and certificates on payment of the fee of one shilling for every such inspection.

Penalty for false statement.
7b. s. 11.

11. If any person to whom letters of naturalization have been granted be convicted of having wilfully made any false statement in his memorial, he shall be deemed guilty of perjury; and such letters of naturalization shall, except against a *bonâ fide* purchaser from such person for valuable consideration, become thereby void.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Date of Act.	Title of Act.	Extent of Repeal.
23 Vict. No. 256 ...	"The Aliens Statute 1865" ...	The whole.

SECOND SCHEDULE.

Section 5.

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 colony of Victoria.
So help me God.

ANATOMY.

[See *Medical Act 1890.*]

ANIMALS.

[See *Dog Act 1890; Stock Diseases Act 1890.*]