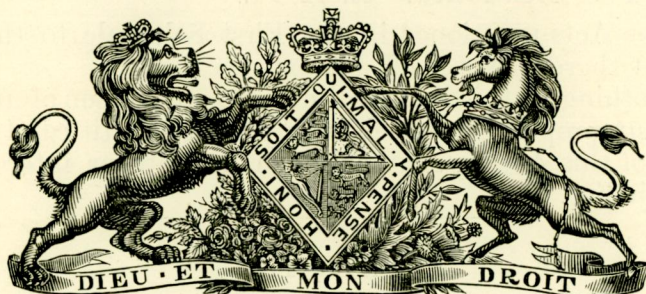


New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

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Act No. 21, 1898.

An Act to consolidate the Laws relating to the Naturalization and Denization of Aliens. [Assented to, 27th July, 1898.]

WHEREAS by the Imperial Act of the thirty-third year of Her present Majesty, intituled *An Act to amend the Law relating to the Legal conditions 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: Be it therefore enacted by the Queen's Most Excellent Majesty, by and

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*Naturalization and Denization.*

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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:—

PART I.

*Preliminary.*

Short title and division.

1. This Act may be cited as the “Naturalization and Denization Act of New South Wales, 1898,” and is divided into parts, as follows:—

PART I.—*Preliminary.*—ss. 1-3.

PART II.—*Rights and disabilities of aliens.*—s. 4.

PART III.—*Naturalization.*—ss. 5-11.

PART IV.—*Denization.*—ss. 12-14.

Repeal. First Schedule.

2. The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

Provision for protection of existing interests.

39 Vic. No. 19, s. 14.

3. 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 such estate or interest to such person's prejudice.

PART II.

*Rights and disabilities of aliens.*

Capacity of aliens as to real and personal property.  
*Ibid.* s. 3.

4. 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:

Provided that nothing in this section contained—

- (a) shall qualify an alien for any office, or extend or be construed to confer any parliamentary, municipal, or other franchise in New South Wales;
- (b) shall qualify an alien to be the owner of a British ship;
- (c) shall affect any estate or interest in real or personal property in New South Wales 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; or
- (d) shall entitle an alien to any right or privileges as a British subject in New South Wales, except such rights and privileges in respect of property or otherwise as are hereby expressly given or extended to him.

PART

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*Naturalization and Denization.*

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## PART III.

*Naturalization.*

5. (1) An alien who has resided in New South Wales for a term of not less than five years, and who intends when naturalized to reside in New South Wales, may apply to the Governor for a certificate of naturalization : Certificate of naturalization. 39 Vic. No. 19, s. 4.

Provided that the said term of residence shall have taken place within such limited time before making the said application as may be allowed by the Governor, either by general order or on any special occasion.

(2) The applicant shall produce in support of his application Evidence in support of application.

(a) his own statutory declaration stating his name, age, birthplace, occupation, and residence; and

(b) a like declaration of some other person as to the applicant's term of residence in New South Wales, and shall give such further evidence of the completion by him of the said term of residence, and of his intention to reside in New South Wales as the Governor may require.

(3) The Governor, if satisfied with the evidence adduced, Powers of Governor. shall take the applicant's case into consideration, and may, with or without assigning any reason, grant or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) No such certificate shall have any effect until the applicant has taken the oath of allegiance hereinafter prescribed. Oath to be taken.

6. If the Governor thinks fit to grant such certificate of naturalization he shall direct the applicant to take the oath of allegiance in the form of the Second Schedule hereto 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. Oath of allegiance before whom taken. Ibid. s. 5. Second Schedule.

7. Every person to whom a certificate of naturalization under this Act is granted shall in New South Wales 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 New South Wales, anything in the Constitution Act, section two, to the contrary notwithstanding. Effect of certificate of naturalization. Ibid. s. 6.

8. (1) Every married woman shall in New South Wales be deemed to be a subject of the State of which her husband is for the time being a subject. Status of married women. Ibid. s. 7.

(2)

*Naturalization and Denization.*

Alien married  
women.

(2) Every alien woman married to a natural-born British subject or to a person who has obtained a certificate of naturalization under this Act shall be deemed to be herself naturalized and to have had in New South Wales from the time of her marriage all the rights and privileges of a natural-born British subject.

Children.

(3) Every child under the age of sixteen years—

- (a) whose father or mother was at the time of the birth of such child an alien but afterwards obtained a certificate of naturalization; or
- (b) whose mother being an alien marries a natural-born British subject,

shall, if such child was resident in New South Wales 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 New  
South Wales.

39 Vic. No. 19, s. 8.

9. When any person resident in New South Wales desires to be naturalized here, and has previously obtained any certificate of naturalization in the United Kingdom or in any British Colony, if such person,—

- (a) submits such certificate to the Governor; and
- (b) further satisfies the Governor that he is the person named in such certificate, and that the same was 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 such person a certificate of naturalization without requiring from him any further residence in New South Wales or other condition.

Record of certificate,  
&c.

*Ibid.* s. 9.

10. (1) The Colonial Secretary shall—

- (a) enrol for safe custody as of record all certificates of naturalization granted under this Act; and
- (b) demand and receive from every person to whom such certificate is granted the fee of one pound in respect of such enrolment; and
- (c) cause to be made proper indexes to such certificates, and 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.

Fees.

(2) No person to whom any such certificate is granted shall be liable to any other fees or charges for such certificate, enrolment, or otherwise.

Certificate, how  
proved.

*Ibid.* s. 11.

11. A certificate of naturalization may be proved in any proceeding in any Court by the production of—

- (a) the original certificate; or
- (b) any copy thereof certified to be a true copy under the hand of the Colonial Secretary.

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*Naturalization and Denization.*


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## PART IV.

*Denization.*

12. When any foreign officer or person arrives in New South Wales with a recommendation from Her Majesty's Principal Secretary of State for the Colonies for the granting to him of letters of denization, if such foreign officer or person applies for letters of denization by petition addressed to the Governor setting forth his native country, age, profession, trade, or usual occupation, and his intention to settle in New South Wales, the Governor in exercise of the prerogative right of the Crown as now exercised by him, may grant letters of denization under the seal of New South Wales to such foreign officer or person.

Governor may grant letters of denization.  
9 Geo. IV No. 6, s. 1.

13. (1) If any person who receives letters of denization in virtue of this Act within one month after the date thereof takes and subscribes the oaths, and subscribes the declaration directed and appointed in and by the Imperial Act first George the First, statute two, chapter thirteen, such person shall be qualified to hold lands in New South Wales, and shall be entitled to all such rights and privileges as are conferred by ancient usage or by any Imperial Act in force on the third day of July, in the year one thousand eight hundred and twenty-eight, upon any denizen in England.

Effect of letters of denization.  
*Ibid.* s. 2.

(2) The Chief Justice or any Judge of the Supreme Court shall, upon the request of such person, administer and receive the said oaths and declaration in manner and form as in the said Act is prescribed.

14. (1) The Chief Justice or Judge before whom such oaths are taken and such declaration subscribed as aforesaid, shall immediately afterwards certify the same upon the back of the said letters of denization, and shall cause such letters of denization and the certificate so indorsed thereon to be recorded in the Supreme Court.

Letters of denization to be recorded in the Supreme Court.  
*Ibid.* s. 3.

(2) A certificate of such record shall be deemed in every Court in New South Wales to be a sufficient proof that the person to whom such letters of denization were granted as aforesaid is a denizen subject of Great Britain to all intents and purposes whatsoever.

Proof of certificate.

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*Naturalization and Denization.*


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## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
9 Geo. IV No. 6	An Act for enabling the Governor or Acting Governor of New South Wales to grant Letters of Denization to such foreigners as may arrive in the Colony with a recommendation to that effect from His Majesty's Principal Secretary of State for the Colonies.	The whole.
39 Vic. No. 19 ...	Naturalization Act of New South Wales ...	The whole.

## SECOND SCHEDULE.

Section 6. 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.  
 39 Vic. No. 19, s. 10.

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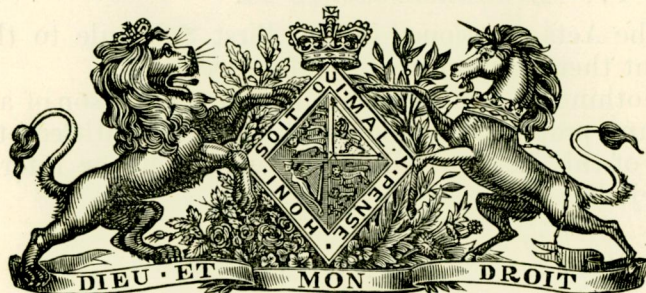
[Gd.] By Authority: WILLIAM APPELEGATE GULLICK, Government Printer, Sydney, 1898.

*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council Chamber,  
Sydney, 6th July, 1898. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

Act No. 21, 1898.

An Act to consolidate the Laws relating to the Naturalization and Denization of Aliens. [Assented to, 27th July, 1898.]

**W**HEREAS by the Imperial Act of the thirty-third year of Her Preamble. present Majesty, intituled *An Act to amend the Law relating to the Legal conditions 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: Be it therefore enacted by the Queen's Most Excellent Majesty, by  
and

*Naturalization and Denization.*

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:—

## PART I.

*Preliminary.*

Short title and division.

1. This Act may be cited as the "Naturalization and Denization Act of New South Wales, 1898," and is divided into parts, as follows:—

PART I.—*Preliminary.*—ss. 1-3.

PART II.—*Rights and disabilities of aliens.*—s. 4.

PART III.—*Naturalization.*—ss. 5-11.

PART IV.—*Denization.*—ss. 12-14.

Repeal. First Schedule.

2. The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

Provision for protection of existing interests.

39 Vic. No. 19, s. 14.

3. 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 such estate or interest to such person's prejudice.

## PART II.

*Rights and disabilities of aliens.*

Capacity of aliens as to real and personal property.  
*Ibid.* s. 3.

4. 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:

Provided that nothing in this section contained—

- (a) shall qualify an alien for any office, or extend or be construed to confer any parliamentary, municipal, or other franchise in New South Wales;
- (b) shall qualify an alien to be the owner of a British ship;
- (c) shall affect any estate or interest in real or personal property in New South Wales 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; or
- (d) shall entitle an alien to any right or privileges as a British subject in New South Wales, except such rights and privileges in respect of property or otherwise as are hereby expressly given or extended to him.

PART



*Naturalization and Denization.*

## PART III.

*Naturalization.*

5. (1) An alien who has resided in New South Wales for a term of not less than five years, and who intends when naturalized to reside in New South Wales, may apply to the Governor for a certificate of naturalization :

Certificate of naturalization.  
39 Vic. No. 19, s. 4.

Provided that the said term of residence shall have taken place within such limited time before making the said application as may be allowed by the Governor, either by general order or on any special occasion.

(2) The applicant shall produce in support of his application

(a) his own statutory declaration stating his name, age, birthplace, occupation, and residence; and

(b) a like declaration of some other person as to the applicant's term of residence in New South Wales,

and shall give such further evidence of the completion by him of the said term of residence, and of his intention to reside in New South Wales as the Governor may require.

Evidence in support of application.

(3) The Governor, if satisfied with the evidence adduced, shall take the applicant's case into consideration, and may, with or without assigning any reason, grant or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

Powers of Governor.

(4) No such certificate shall have any effect until the applicant has taken the oath of allegiance hereinafter prescribed.

Oath to be taken.

6. If the Governor thinks fit to grant such certificate of naturalization he shall direct the applicant to take the oath of allegiance in the form of the Second Schedule hereto 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.

Oath of allegiance before whom taken.  
*Ibid.* s. 5.  
Second Schedule.

7. Every person to whom a certificate of naturalization under this Act is granted shall in New South Wales 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 New South Wales, anything in the Constitution Act, section two, to the contrary notwithstanding.

Effect of certificate of naturalization.  
*Ibid.* s. 6.

8. (1) Every married woman shall in New South Wales be deemed to be a subject of the State of which her husband is for the time being a subject.

Status of married women.  
*Ibid.* s. 7.

*Naturalization and Denization.*

Alien married  
women.

(2) Every alien woman married to a natural-born British subject or to a person who has obtained a certificate of naturalization under this Act shall be deemed to be herself naturalized and to have had in New South Wales from the time of her marriage all the rights and privileges of a natural-born British subject.

Children.

(3) Every child under the age of sixteen years—  
(a) whose father or mother was at the time of the birth of such child an alien but afterwards obtained a certificate of naturalization; or  
(b) whose mother being an alien marries a natural-born British subject,  
shall, if such child was resident in New South Wales 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 New  
South Wales.  
39 Vic. No. 19, s. 8.

9. When any person resident in New South Wales desires to be naturalized here, and has previously obtained any certificate of naturalization in the United Kingdom or in any British Colony, if such person,—

- (a) submits such certificate to the Governor; and
- (b) further satisfies the Governor that he is the person named in such certificate, and that the same was 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 such person a certificate of naturalization without requiring from him any further residence in New South Wales or other condition.

Record of certificate,  
&c.  
*Ibid.* s. 9.

10. (1) The Colonial Secretary shall—
- (a) enrol for safe custody as of record all certificates of naturalization granted under this Act; and
  - (b) demand and receive from every person to whom such certificate is granted the fee of one pound in respect of such enrolment; and
  - (c) cause to be made proper indexes to such certificates, and 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.

Fees.

(2) No person to whom any such certificate is granted shall be liable to any other fees or charges for such certificate, enrolment, or otherwise.

Certificate, how  
proved.  
*Ibid.* s. 11.

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

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*Naturalization and Denization.*


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## PART IV.

*Denization.*

12. When any foreign officer or person arrives in New South Wales with a recommendation from Her Majesty's Principal Secretary of State for the Colonies for the granting to him of letters of denization, if such foreign officer or person applies for letters of denization by petition addressed to the Governor setting forth his native country, age, profession, trade, or usual occupation, and his intention to settle in New South Wales, the Governor in exercise of the prerogative right of the Crown as now exercised by him, may grant letters of denization under the seal of New South Wales to such foreign officer or person.

Governor may grant letters of denization.  
9 Geo. IV No. 6, s. 1.

13. (1) If any person who receives letters of denization in virtue of this Act within one month after the date thereof takes and subscribes the oaths, and subscribes the declaration directed and appointed in and by the Imperial Act first George the First, statute two, chapter thirteen, such person shall be qualified to hold lands in New South Wales, and shall be entitled to all such rights and privileges as are conferred by ancient usage or by any Imperial Act in force on the third day of July, in the year one thousand eight hundred and twenty-eight, upon any denizen in England.

Effect of letters of denization.  
*Ibid.* s. 2

(2) The Chief Justice or any Judge of the Supreme Court shall, upon the request of such person, administer and receive the said oaths and declaration in manner and form as in the said Act is prescribed.

14. (1) The Chief Justice or Judge before whom such oaths are taken and such declaration subscribed as aforesaid, shall immediately afterwards certify the same upon the back of the said letters of denization, and shall cause such letters of denization and the certificate so indorsed thereon to be recorded in the Supreme Court.

Letters of denization to be recorded in the Supreme Court.  
*Ibid.* s. 3.

(2) A certificate of such record shall be deemed in every Court in New South Wales to be a sufficient proof that the person to whom such letters of denization were granted as aforesaid is a denizen subject of Great Britain to all intents and purposes whatsoever.

Proof of certificate.

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*Naturalization and Denization.*


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## SCHEDULES.

## FIRST SCHEDULE.

Reference to ct.	Title or short title.	Extent of repeal.
9 Geo. IV No. 6	An Act for enabling the Governor or Acting Governor of New South Wales to grant Letters of Denization to such foreigners as may arrive in the Colony with a recommendation to that effect from His Majesty's Principal Secretary of State for the Colonies.	The whole.
39 Vic. No. 19 ...	Naturalization Act of New South Wales ...	The whole.

## SECOND SCHEDULE.

Section 6. 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.  
 39 Vic. No. 19, s. 10.

*In the name and on the behalf of Her Majesty I assent to this Act.*

Government House,  
 Sydney, 27th July, 1898.

HAMPDEN,  
 Governor.

## Memo. and Certificate to accompany the Naturalization and Denization Bill.

THIS Bill consolidates two Acts, viz.:—

9 Geo. IV No. 6;

39 Vic. No. 19.

*Preamble.*—The ordinary rule of omitting preambles has been in this case departed from. It appeared on the whole better to preserve so much of the preamble to the 39 Vic. No. 19 as recited the provisions of the Imperial Act by which colonial legislatures were empowered to legislate as to naturalization.

*Clause 7.*—The references in the original section to certain sections of the Electoral and Jury Acts have been omitted, those sections having been repealed, but the reference to the Constitution Act has been for more abundant caution retained, because cases have occurred in which enabling words which are only general have been held not to repeal previous disabilities which were specific.

*Clause 12.*—It appears unnecessary in consolidating the denization with the Aliens Act to repeat the saving clause 13 of the latter, which apparently can refer only to the Denization Act, for that Act seems clearly to prescribe the conditions and mode under and in which the prerogative right of denization is to be exercised in N.S.W., and to be perhaps a *limiting* as well as an *enabling* and *facilitating* Act. Section 13 of the 39 Vic. No 19 has therefore been omitted. But to guard against the word “Governor” being necessarily read as “Governor with the advice of Executive Council” the words “in exercise of the prerogative of the Crown as now exercised by him” have been inserted, to preserve the Governor’s exact present position and powers.

Some sections have been recast, and various verbal alterations and omissions have been made to improve the wording and obtain greater clearness, but the sense has not been changed.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Acts thereby consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.

THE HISTORY OF THE  
CITY OF BOSTON

The city of Boston was first settled in 1630 by a group of Puritan settlers from England. The city grew rapidly and became one of the most important centers of commerce and industry in the New England region. In 1773, the city was the site of the Boston Tea Party, a key event in the American Revolution. The city was then the center of the American Revolution, and it was here that the Declaration of Independence was signed in 1776. The city was the site of the Battle of Bunker's Hill in 1775, and it was here that the British evacuated the city in 1776. The city was then the center of the American Revolution, and it was here that the Declaration of Independence was signed in 1776. The city was the site of the Battle of Bunker's Hill in 1775, and it was here that the British evacuated the city in 1776. The city was then the center of the American Revolution, and it was here that the Declaration of Independence was signed in 1776.

## Naturalization and Denization Bill.

TABLE showing how the sections of Acts intended to be consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
		9 GEO. IV. No. 6.
1	12	
2	13	
3	14	
		39 VIC. No. 19.
1	.....	Omitted (short title).
2	.....	Omitted (repeals).
3	4	
4	5	
5	6	
6	7	
7	8	
8	9	
9	10	
10	Second Schedule.	
11	11	
12	.....	Omitted (interpretation of term " Governor ").
13	.....	Omitted (unnecessary in consolidation).
14	3	

# Naturalization and Denization Bill

There being law the reason of Act intended to be contained hereinafter  
 shall with

Section	Page	Page
1	1	1
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# Naturalization and Denization Bill.

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## ARRANGEMENT OF CLAUSES.

### PART I.

#### *Preliminary.*

Clause.

1. Short title and division.
2. Repeals.
3. Provision for protection of existing interests.

### PART II.

#### RIGHTS AND DISABILITES OF ALIENS.

4. Capacity of aliens to hold property, &c.

### PART III.

#### NATURALIZATION.

5. Certificate of naturalization.
6. Oath of allegiance.
7. Effect of certificate.
8. Status of married women and children.
9. Persons naturalized in other colonies.
10. Record of certificate.
11. Proof of certificate.

### PART IV.

#### DENIZATION.

12. Letters of denization.
  13. Effect of letters of denization.
  14. Record and proof of letters of denization.
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Naturalization and Denization Bill

ARRANGEMENT OF CLAUSES

PART I

Provisions

1. Short title and duration.
2. Interpretation.
3. Provisions for protection of existing interests.

PART II

Officers and Department or Board

4. Powers of officers to hold property, &c.

PART III

Naturalization

5. Conditions of naturalization.
6. Oath of allegiance.
7. Effect of certificate.
8. Status of native women and children.
9. Persons naturalized in other countries.
10. Loss of certificate.
11. Part of certificate.

PART IV

Denization

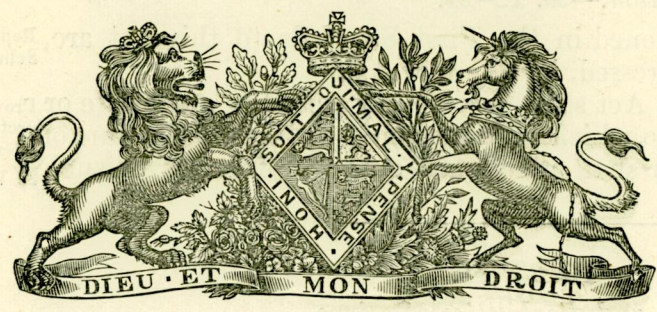
12. Letters of denization.
13. Effect of letters of denization.
14. Revocation and grant of letters of denization.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber, }  
Sydney, 5th July, 1898. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

### New South Wales.



ANNO SEXAGESIMO SECUNDO

## VICTORIÆ REGINÆ.

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Act No. , 1898.

An Act to consolidate the Laws relating to the Naturalization and Denization of Aliens.

**W**HEREAS by the Imperial Act of the thirty-third year of Her Preamble. present Majesty, intituled *An Act to amend the Law relating to the Legal conditions 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: Be it therefore enacted by the Queen's Most Excellent Majesty, by  
c 21—A and

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*Naturalization and Denization.*

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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:—

PART I.

*Preliminary.*

1. This Act may be cited as the “Naturalization and Denization Act of New South Wales, 1898,” and is divided into parts, as follows:—

PART I.—*Preliminary.*—*ss. 1-3.*

PART II.—*Rights and disabilities of aliens.*—*s. 4.*

PART III.—*Naturalization.*—*ss. 5-11.*

PART IV.—*Denization.*—*ss. 12-14.*

2. The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

3. 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 such estate or interest to such person's prejudice.

PART II.

*Rights and disabilities of aliens.*

4. 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:

Provided that nothing in this section contained—

- (a) shall qualify an alien for any office, or extend or be construed to confer any parliamentary, municipal, or other franchise in New South Wales;
- (b) shall qualify an alien to be the owner of a British ship;
- (c) shall affect any estate or interest in real or personal property in New South Wales 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; or
- (d) shall entitle an alien to any right or privileges as a British subject in New South Wales, except such rights and privileges in respect of property or otherwise as are hereby expressly given or extended to him.

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PART

*Naturalization and Denization.*

## PART III.

*Naturalization.*

5. (1) An alien who has resided in New South Wales for a term of not less than five years, and who intends when naturalized to reside in New South Wales, may apply to the Governor for a certificate of naturalization : Certificate of naturalization. 39 Vic. No. 19, s. 4.

Provided that the said term of residence shall have taken place within such limited time before making the said application as may be allowed by the Governor, either by general order or on any special occasion.

(2) The applicant shall produce in support of his application Evidence in support of application.

(a) his own statutory declaration stating his name, age, birthplace, occupation, and residence; and

(b) a like declaration of some other person as to the applicant's term of residence in New South Wales, and shall give such further evidence of the completion by him of the said term of residence, and of his intention to reside in New South Wales as the Governor may require.

(3) The Governor, if satisfied with the evidence adduced, Powers of Governor. shall take the applicant's case into consideration, and may, with or without assigning any reason, grant or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) No such certificate shall have any effect until the applicant has taken the oath of allegiance hereinafter prescribed. Oath to be taken.

6. If the Governor thinks fit to grant such certificate of naturalization he shall direct the applicant to take the oath of allegiance in the form of the Second Schedule hereto 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. Oath of allegiance before whom taken. Ibid. s. 5. Section 1 Schedule.

7. Every person to whom a certificate of naturalization under this Act is granted shall in New South Wales 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 New South Wales, anything in the Constitution Act, section two, to the contrary notwithstanding. Effect of certificate of naturalization. Ibid. s. 6.

8. (1) Every married woman shall in New South Wales be deemed to be a subject of the State of which her husband is for the time being a subject. Status of married women. Ibid. s. 7.

*Naturalization and Denization.*

(2) Every alien woman married to a natural-born British subject or to a person who has obtained a certificate of naturalization under this Act shall be deemed to be herself naturalized and to have had in New South Wales from the time of her marriage all the rights and privileges of a natural-born British subject.

Alien married women.

(3) Every child under the age of sixteen years—

Children.

(a) whose father or mother was at the time of the birth of such child an alien but afterwards obtained a certificate of naturalization; or

(b) whose mother being an alien marries a natural-born British subject,

shall, if such child was resident in New South Wales at any time while under that age, be deemed naturalized and to have all the rights and privileges of a natural-born British subject.

9. When any person resident in New South Wales desires to be naturalized here, and has previously obtained any certificate of naturalization in the United Kingdom or in any British Colony, if such person,—

Persons naturalized in other British Colonies may be naturalized in New South Wales.

39 Vic. No. 19, s. 8.

(a) submits such certificate to the Governor; and

(b) further satisfies the Governor that he is the person named in such certificate, and that the same was 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 such person a certificate of naturalization without requiring from him any further residence in New South Wales or other condition.

10. (1) The Colonial Secretary shall—

(a) enrol for safe custody as of record all certificates of naturalization granted under this Act; and

Record of certificate, &amp;c.

*Ibid.* s. 9.

(b) demand and receive from every person to whom such certificate is granted the fee of one pound in respect of such enrolment; and

(c) cause to be made proper indexes to such certificates, and 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.

(2) No person to whom any such certificate is granted shall be liable to any other fees or charges for such certificate, enrolment, or otherwise.

Fees.

11. A certificate of naturalization may be proved in any proceeding in any Court by the production of—

Certificate, how proved.

*Ibid.* s. 11.

(a) the original certificate; or

(b) any copy thereof certified to be a true copy under the hand of the Colonial Secretary.

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*Naturalization and Denization.*


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## PART IV.

*Denization.*

12. When any foreign officer or person arrives in New South Wales with a recommendation from Her Majesty's Principal Secretary of State for the Colonies for the granting to him of letters of denization, if such foreign officer or person applies for letters of denization by petition addressed to the Governor setting forth his native country, age, profession, trade, or usual occupation, and his intention to settle in New South Wales, the Governor in exercise of the prerogative right of the Crown as now exercised by him, may grant letters of denization under the seal of New South Wales to such foreign officer or person.

Governor may grant letters of denization. 9 Geo. IV No. 6, s. 1

13. (1) If any person who receives letters of denization in virtue of this Act within one month after the date thereof takes and subscribes the oaths, and subscribes the declaration directed and appointed in and by the Imperial Act first George the First, statute two, chapter thirteen, such person shall be qualified to hold lands in New South Wales, and shall be entitled to all such rights and privileges as are conferred by ancient usage or by any Imperial Act in force on the third day of July, in the year one thousand eight hundred and twenty-eight, upon any denizen in England.

Effect of letters of denization. *Ibid.* s. 2.

(2) The Chief Justice or any Judge of the Supreme Court shall, upon the request of such person, administer and receive the said oaths and declaration in manner and form as in the said Act is prescribed.

14. (1) The Chief Justice or Judge before whom such oaths are taken and such declaration subscribed as aforesaid, shall immediately afterwards certify the same upon the back of the said letters of denization, and shall cause such letters of denization and the certificate so indorsed thereon to be recorded in the Supreme Court.

Letters of denization to be recorded in the Supreme Court. *Ibid.* s. 3.

(2) A certificate of such record shall be deemed in every Court in New South Wales to be a sufficient proof that the person to whom such letters of denization were granted as aforesaid is a denizen subject of Great Britain to all intents and purposes whatsoever.

Proof of certificate.

*Naturalization and Denization.*

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
9 Geo. IV No. 6	An Act for enabling the Governor or Acting Governor of New South Wales to grant Letters of Denization to such foreigners as may arrive in the Colony with a recommendation to that effect from His Majesty's Principal Secretary of State for the Colonies.	The whole.
39 Vic. No. 19 ...	Naturalization Act of New South Wales ...	The whole.

## SECOND SCHEDULE.

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. 39 Vic. No. 19, s. 10.

Sydney: William Applegate Gullick, Government Printer.—1898.

[6d.]



## Memo. and Certificate to accompany the Naturalization and Denization Bill.

THIS Bill consolidates two Acts, viz.:—

9 Geo. IV No. 6 ;

39 Vic. No. 19.

*Preamble.*—The ordinary rule of omitting preambles has been in this case departed from. It appeared on the whole better to preserve so much of the preamble to the 39 Vic. No. 19 as recited the provisions of the Imperial Act by which colonial legislatures were empowered to legislate as to naturalization.

*Clause 7.*—The references in the original section to certain sections of the Electoral and Jury Acts have been omitted, those sections having been repealed, but the reference to the Constitution Act has been for more abundant caution retained, because cases have occurred in which enabling words which are only general have been held not to repeal previous disabilities which were specific.

*Clause 12.*—It appears unnecessary in consolidating the denization with the Aliens Act to repeat the saving clause 13 of the latter, which apparently can refer only to the Denization Act, for that Act seems clearly to prescribe the conditions and mode under and in which the prerogative right of denization is to be exercised in N.S.W., and to be perhaps a *limiting* as well as an *enabling* and *facilitating* Act. Section 13 of the 39 Vic. No 19 has therefore been omitted. But to guard against the word "Governor" being necessarily read as "Governor with the advice of Executive Council" the words "in exercise of the prerogative of the Crown as now exercised by him" have been inserted, to preserve the Governor's exact present position and powers.

Some sections have been recast, and various verbal alterations and omissions have been made to improve the wording and obtain greater clearness, but the sense has not been changed.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Acts thereby consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.

# Memorandum and Certificate to accompany the Nominations and Certificates Bill

This Bill contains the following provisions:

Section 1.

Section 2.

Section 3. The provisions of the original section in certain sections of the Bill have been amended, those sections having been reported, but the amendments to the Bill have not been reported. It is proposed to amend the Bill so as to give effect to the amendments which have been reported, and to give effect to the amendments which have not been reported.

Section 4. The amendments to the original section in certain sections of the Bill have been amended, those sections having been reported, but the amendments to the Bill have not been reported. It is proposed to amend the Bill so as to give effect to the amendments which have been reported, and to give effect to the amendments which have not been reported.

Section 5. It appears unnecessary to amend the Bill in connection with the amendments to the original section in certain sections of the Bill, and it is proposed to amend the Bill so as to give effect to the amendments which have been reported, and to give effect to the amendments which have not been reported.

Section 6. It appears unnecessary to amend the Bill in connection with the amendments to the original section in certain sections of the Bill, and it is proposed to amend the Bill so as to give effect to the amendments which have been reported, and to give effect to the amendments which have not been reported.

CHAS. H. THYDOR

Secretary for the Government of the British Isles

## Naturalization and Denization Bill.

TABLE showing how the sections of Acts intended to be consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
		9 GEO. IV. No. 6.
1	12	
2	13	
3	14	
		39 VIC. No. 19.
1	.....	Omitted (short title).
2	.....	Omitted (repeals).
3	4	
4	5	
5	6	
6	7	
7	8	
8	9	
9	10	
10	Second Schedule.	
11	11	
12	.....	Omitted (interpretation of term "Governor").
13	.....	Omitted (unnecessary in consolidation).
14	3	

# Naturalization and Denization Bill

Table showing how the sections of Acts intended to be consolidated have been dealt with

Section of Consolidated Act	Section of Repealed Act
1	13
2	13
3	14
§ 40 IV No. 6	
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	10
12	11
13	11
14	11
§ 40 Vc No. 10	
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	10
12	11
13	11
14	11
§ 40 VI No. 10	
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	10
12	11
13	11
14	11
§ 40 VII No. 10	
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	10
12	11
13	11
14	11

# Naturalization and Denization Bill.

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## ARRANGEMENT OF CLAUSES.

### PART I.

#### *Preliminary.*

Clause.

1. Short title and division.
2. Repeals.
3. Provision for protection of existing interests.

### PART II.

#### RIGHTS AND DISABILITES OF ALIENS.

4. Capacity of aliens to hold property, &c.

### PART III.

#### NATURALIZATION.

5. Certificate of naturalization.
6. Oath of allegiance.
7. Effect of certificate.
8. Status of married women and children.
9. Persons naturalized in other colonies.
10. Record of certificate.
11. Proof of certificate.

### PART IV.

#### DENIZATION.

12. Letters of denization.
  13. Effect of letters of denization.
  14. Record and proof of letters of denization.
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Naturalization and Denization Bill

ARRANGEMENT OF CLAUSES

PART I

1. Short title and commencement

2. Power to make regulations
3. Power to make rules
4. Power to make orders

PART II

5. Rights and liabilities of aliens

6. Capacity of alien to hold property

PART III

7. Naturalization

8. Conditions of naturalization
9. Call of registers
10. Effect of naturalization
11. Status of married woman and child
12. Persons naturalized in other countries
13. Effect of naturalization
14. Power of naturalization

PART IV

15. Denization

16. Effect of denization
17. Effect of letters of denization
18. Natural and prior letters of denization

Legislative Council.

No. , 1898.

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## A BILL

To consolidate the Laws relating to the Naturalization and  
Denization of Aliens.

[MR. WANT ;—30 *June*, 1898.]

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**W**HEREAS by the Imperial Act of the thirty-third year of Her Preamble.  
present Majesty, intituled *An Act to amend the Law relating  
to the Legal conditions 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 :  
Be it therefore enacted by the Queen's Most Excellent Majesty, by  
c 21—A and

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:—

## PART I.

*Preliminary.*

1. This Act may be cited as the "Naturalization and Denization Act of New South Wales, 1898," and is divided into parts, as follows:—

PART I.—*Preliminary.*—*ss.* 1-3.

PART II.—*Rights and disabilities of aliens.*—*s.* 4.

PART III.—*Naturalization.*—*ss.* 5-11.

PART IV.—*Denization.*—*ss.* 12-14.

Short title and division.

Repeal. First Schedule.

Provision for protection of existing interests.

39 Vic. No. 19, s. 14.

2. The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

3. 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 such estate or interest to such person's prejudice.

## PART II.

*Rights and disabilities of aliens.*

4. 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:

Provided that nothing in this section contained—

- (a) shall qualify an alien for any office, or extend or be construed to confer any parliamentary, municipal, or other franchise in New South Wales;
- (b) shall qualify an alien to be the owner of a British ship;
- (c) shall affect any estate or interest in real or personal property in New South Wales 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; or
- (d) shall entitle an alien to any right or privileges as a British subject in New South Wales, except such rights and privileges in respect of property or otherwise as are hereby expressly given or extended to him.

Capacity of aliens as to real and personal property.  
*Ibid.* s. 3.

PART



PART III.

Naturalization.

5. (1) An alien who has resided in New South Wales for a term of not less than five years, and who intends when naturalized to reside in New South Wales, may apply to the Governor for a certificate of naturalization :

Certificate of naturalization.  
39 Vic. No. 19, s. 4.

Provided that the said term of residence shall have taken place within such limited time before making the said application as may be allowed by the Governor, either by general order or on any special occasion.

(2) The applicant shall produce in support of his application  
(a) his own statutory declaration stating his name, age, birthplace, occupation, and residence ; and

Evidence in support of application.

(b) a like declaration of some other person as to the applicant's term of residence in New South Wales,

and shall give such further evidence of the completion by him of the said term of residence, and of his intention to reside in New South Wales as the Governor may require.

(3) The Governor, if satisfied with the evidence adduced, shall take the applicant's case into consideration, and may, with or without assigning any reason, grant or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

Powers of Governor.

(4) No such certificate shall have any effect until the applicant has taken the oath of allegiance hereinafter prescribed.

Oath to be taken.

6. If the Governor thinks fit to grant such certificate of naturalization he shall direct the applicant to take the oath of allegiance in the form of the Second Schedule hereto 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.

Oath of allegiance before whom taken.  
Ibid. s. 5.  
Second Schedule.

7. Every person to whom a certificate of naturalization under this Act is granted shall in New South Wales 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 New South Wales, anything in the Constitution Act, section two, to the contrary notwithstanding.

Effect of certificate of naturalization.  
Ibid. s. 6.

8. (1) Every married woman shall in New South Wales be deemed to be a subject of the State of which her husband is for the time being a subject.

Status of married women.  
Ibid. s. 7.

(2)

Alien married  
women.

(2) Every alien woman married to a natural-born British subject or to a person who has obtained a certificate of naturalization under this Act shall be deemed to be herself naturalized and to have had in New South Wales from the time of her marriage all the rights and privileges of a natural-born British subject.

Children.

(3) Every child under the age of sixteen years—

(a) whose father or mother was at the time of the birth of such child an alien but afterwards obtained a certificate of naturalization; or

(b) whose mother being an alien marries a natural-born British subject,

shall, if such child was resident in New South Wales 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 New  
South Wales.  
39 Vic. No. 19, s. 8.

9. When any person resident in New South Wales desires to be naturalized here, and has previously obtained any certificate of naturalization in the United Kingdom or in any British Colony, if such person,—

(a) submits such certificate to the Governor; and

(b) further satisfies the Governor that he is the person named in such certificate, and that the same was 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 such person a certificate of naturalization without requiring from him any further residence in New South Wales or other condition.

Record of certificate,  
&c.  
*Ibid.* s. 9.

10. (1) The Colonial Secretary shall—

(a) enrol for safe custody as of record all certificates of naturalization granted under this Act; and

(b) demand and receive from every person to whom such certificate is granted the fee of one pound in respect of such enrolment; and

(c) cause to be made proper indexes to such certificates, and 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.

Fees.

(2) No person to whom any such certificate is granted shall be liable to any other fees or charges for such certificate, enrolment, or otherwise.

Certificate, how  
proved.  
*Ibid.* s. 11.

11. A certificate of naturalization may be proved in any proceeding in any Court by the production of—

(a) the original certificate; or

(b) any copy thereof certified to be a true copy under the hand of the Colonial Secretary.

PART IV.

Denization.

12. When any foreign officer or person arrives in New South Wales with a recommendation from Her Majesty's Principal Secretary of State for the Colonies for the granting to him of letters of denization, if such foreign officer or person applies for letters of denization by petition addressed to the Governor setting forth his native country, age, profession, trade, or usual occupation, and his intention to settle in New South Wales, the Governor in exercise of the prerogative right of the Crown as now exercised by him, may grant letters of denization under the seal of New South Wales to such foreign officer or person.

Governor may grant letters of denization. 9 Geo. IV No. 6, s. 1

13. (1) If any person who receives letters of denization in virtue of this Act within one month after the date thereof takes and subscribes the oaths, and subscribes the declaration directed and appointed in and by the Imperial Act first George the First, statute two, chapter thirteen, such person shall be qualified to hold lands in New South Wales, and shall be entitled to all such rights and privileges as are conferred by ancient usage or by any Imperial Act in force on the third day of July, in the year one thousand eight hundred and twenty-eight, upon any denizen in England.

Effect of letters of denization. Ibid. s. 2.

(2) The Chief Justice or any Judge of the Supreme Court shall, upon the request of such person, administer and receive the said oaths and declaration in manner and form as in the said Act is prescribed.

14. (1) The Chief Justice or Judge before whom such oaths are taken and such declaration subscribed as aforesaid, shall immediately afterwards certify the same upon the back of the said letters of denization, and shall cause such letters of denization and the certificate so indorsed thereon to be recorded in the Supreme Court.

Letters of denization to be recorded in the Supreme Court. Ibid. s. 3.

(2) A certificate of such record shall be deemed in every Court in New South Wales to be a sufficient proof that the person to whom such letters of denization were granted as aforesaid is a denizen subject of Great Britain to all intents and purposes whatsoever.

Proof of certificate.

Naturalization and Denization.

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
9 Geo. IV No. 6	An Act for enabling the Governor or Acting Governor of New South Wales to grant Letters of Denization to such foreigners as may arrive in the Colony with a recommendation to that effect from His Majesty's Principal Secretary of State for the Colonies.	The whole.
39 Vic. No. 19 ...	Naturalization Act of New South Wales ...	The whole.

SECOND SCHEDULE.

Section 6. 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.  
39 Vic. No. 19, s. 10.

Sydney: William Applegate Gullick, Government Printer.—1898.

[6d.]