

## THE ALIENS ACT, 1880.

THIS Bill consolidates the existing Statutes as follows: No. 17 of 1866; No. 40 of 1870; No. 47 of 1871.

Of the above Acts that of 1866 chiefly relates to the mode of obtaining letters of naturalization.

We have omitted those portions of that Act (sections 3 and 4) which permitted alien friends to hold any personal property, and to hold lands for any term not exceeding twenty-one years, because they have been virtually repealed by the Act of 1870, hereafter alluded to.

We have also omitted sections 12 and 13, which have had their effect.

Clauses 2 to 6 of the Bill prescribe the procedure to obtain letters of naturalization. There is substantially no change in these sections other than is necessitated by their rearrangement.

It was suggested to us that, as difficulties frequently occurred in practice, whether the oath required under section 7 of the Act of 1866 was to be in writing, and what were to be its terms, it would be better to substitute a statutory declaration, the form of which is well known, and obviates any conscientious or other objection to taking an oath. If it is desired that this declaration shall be exempt from stamp duty, it will be necessary to provide accordingly.

Clause 5 omits the requirement to take the oath of allegiance before a *Judge of the Supreme Court* or a *Judge of a District Court*, leaving as before, "a Resident Magistrate or Justice of the Peace." "The Promissory Oaths Act, 1873," prescribes the oath to be taken by aliens, and also permits a person objecting to take the oath to make a declaration in lieu thereof.

Clause 7 sets forth the mode of becoming naturalized when a person has been naturalized elsewhere.

Attention is directed to an alteration in this clause. Section 9 of the Act of 1866 refers to the Continents of "Australia, Africa, or America." It seemed better to insert the words "islands adjacent" to the continents named; also, to omit "Australia," and insert "Australasian Colonies," which includes Tasmania and Fiji, and will include any future colony in Australia (*vide* "The Interpretation Act, 1878," section 3).

It will be observed "Asia" is omitted in the original Act. We have not inserted it.

Clause 8 provides for an enrolment of a duplicate of letters of naturalization when issued.

There appear to be inconsistencies in section 10 of the Act of 1866. It authorized copies of the letters to be made by any person; but, as the originals are issued to and kept by the persons entitled, it is manifest that the section could not have full effect. The substitution of an enrolled duplicate will obviate this. A new provision is inserted in clause 9—that certified copies of such enrolments shall be admissible in evidence. For these copies a fee may be charged. This provision is suggested as desirable.

Clause 11 repeats section 2 of the Act of 1870. The Imperial Act of 33 and 34 Vict., c. 14, empowered colonial Legislatures to pass enactments with respect

to naturalization, and contained provisions as wide in terms as those of the section above mentioned ; but in section 14 of the same Act there is distinct provision that nothing therein shall qualify an alien to be the owner of a British ship. We have deemed it our duty to draw attention to this conflict of authority.

Clauses 12, 13, and 14 call for no particular remark. The date inserted in clause 12 has reference to the passing of "The Aliens Act, 1870."

Clause 15 repeats the provisions of the Act of 1871. The Imperial Act above alluded to authorized the prescribing of fees for certain things to be done under its provisions.

There seems no need for a saving to the repeal clause, the terms of the 10th section of the Interpretation Act being wide enough for that purpose.

ALEXANDER J. JOHNSTON,

W. S. REID,

*Commissioners.*

Wellington, 27th May, 1880.

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

*Legislative Council,  
30th June, 1880.*

[*Statutes Revision Commission.*]

## ALIENS.

### ANALYSIS.

Title.	
1. Short Title.	9. Records kept by Colonial Secretary open to inspection. Certified copies evidence.
2. Procedure to obtain naturalization.	10. Penalty for false statement.
3. Grant of naturalization subject to certain conditions.	11. Alien friend may hold real and personal property.
4. Mode of obtaining naturalization.	12. Former conveyances by aliens legalized.
5. Applicant to take oath of allegiance.	13. Person born of a mother who is a natural-born subject, capable of holding real or personal estate.
6. Rights granted by letters of naturalization.	14. Naturalization to extend to wife.
7. Facilities given to persons naturalized elsewhere.	15. What fees to be payable, and to whom.
8. Duplicate letters of naturalization to be enrolled. Fees to be paid.	16. Repeals of Acts. Schedules.

AN ACT to consolidate the Laws of New Zealand relating to Aliens.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Aliens Act, 1880."

#### PROCEDURE TO OBTAIN NATURALIZATION.

2. When any alien friend now residing in or who shall hereafter reside in New Zealand desires to be naturalized, the Governor may, if he think fit, grant to him letters of naturalization under the seal of the colony.

3. Every such grant of letters of naturalization may be made subject to such conditions as the Governor considers necessary or advisable.

4. When any such alien friend desires to obtain naturalization, he may present to the Governor a memorial signed by the applicant, and stating therein—

- (1.) His name, age, birth-place, residence, and occupation;
- (2.) The length of his residence in the colony, and his desire to settle therein;
- (3.) And a request that letters of naturalization may be granted to him.

Every such memorial shall be verified by a *statutory declaration* to be subscribed by the applicant.

Such memorial shall also have written thereon or attached thereto a certificate, signed by some Resident 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.

5. If the Governor think fit to grant such letters, he shall direct the applicant to take the oath of allegiance prescribed by "The Promissory Oaths Act, 1873," before some Resident Magistrate or Justice of the Peace; and upon the certificate of such Magistrate or Justice that the applicant has taken before him the said oath, and upon payment of the fee for enrolment hereinafter prescribed, he shall issue letters of naturalization to the applicant accordingly.

No. 21—2.

Title.

Short Title.

Procedure to obtain naturalization.  
1866, No. 17, sec. 5.

Grant of naturalization subject to certain conditions.  
Ib.  
Mode of obtaining naturalization.  
Ib., sec. 7.

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

Rights granted by letters of naturalization.

1866, No. 17, sec. 8.

Facilities given to persons naturalized elsewhere.

Ib., sec. 9.

Letters of naturalization to be enrolled.

Ib., sec. 10.

Fee to be paid.

Records kept by Colonial Secretary open to inspection.

Ib., sec. 10.

Certified copies evidence.

Penalty for false statement.

Ib., sec. 11.

Alien friend may hold real and personal property.

1870, No. 40, sec. 2.

6. Upon such letters of naturalization being issued to him the applicant shall enjoy all the rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit within this colony, except such rights and capacities (if any) as are specially excepted in the letters of naturalization granted and issued to him.

7. When any person resident in New Zealand has previously obtained any certificate or letters of naturalization in the United Kingdom of Great Britain and Ireland, or any part thereof, or in any British Colony or possessions, and desires to be naturalized in New Zealand, the Governor may, at his discretion, grant the letters of naturalization, without requiring from the applicant any further residence in New Zealand or (if the applicant has previously taken a similar oath) the oath prescribed under this Act, and upon his complying with the following conditions:—

(1.) He shall submit such certificate or letters of naturalization to the Governor, and also present such memorial as required by the preceding provisions of this Act.

(2.) He shall further state in such memorial that he is the person named in such certificate or letters of naturalization, 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.

(3.) Every such memorial shall be verified by a statutory declaration to be subscribed by the applicant.

8. The Colonial Secretary shall enrol for safe custody, as of record, a duplicate of all letters of naturalization.

He shall also enrol certified copies of every such certificate or letters of naturalization previously obtained as aforesaid, and upon which letters of naturalization are issued under this Act.

Every person to whom letters of naturalization are granted under this Act shall pay to the Colonial Secretary the fee of one pound in respect of such enrolment.

9. The Colonial Secretary shall cause proper indices to be made to letters of naturalization and certificates enrolled by him, 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.

*Copies of letters of naturalization or certificates enrolled as before provided, if certified to be true copies by the Colonial Secretary, shall be admissible in evidence for all purposes.*

*Such fees shall be charged for certified copies as the Colonial Secretary may prescribe.*

10. 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 *bond fide* purchaser from such person for valuable consideration, become thereby void.

#### PROPERTY AND RIGHTS OF ALIENS.

11. Every alien friend resident in New Zealand may inherit or otherwise take by representation, acquire, hold, 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.

12. Every grant, conveyance, assignment, demise, devise, or bequest to or by any such alien made prior to the *twelfth day of September, one thousand eight hundred and seventy*, shall be as valid and effectual as if it had been made to or by a natural-born subject of Her Majesty.

Former conveyances by aliens legalized. 1870, No. 40, sec. 3.

13. 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 natural-born subject, capable of holding real or personal estate. 1866, No. 17, sec. 2.

14. Any alien woman married, or who shall be married, to any natural-born subject of Her Majesty or naturalized person, shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural-born subject.

Naturalization to extend to wife. *Ib.*, sec. 6.

FEES UNDER THE IMPERIAL ACT 33 AND 34 VICT., CAP. 14.

15. In respect of any act or thing specified in the first column of the *First Schedule* hereto, when done, taken, made, granted, or given in New Zealand under the authority of the Act of the Imperial Parliament called "*The Naturalization Act, 1870*," or any regulations made or to be made thereunder, there shall be payable the fees respectively set forth in the second column of the said *Schedule*, and the same shall respectively be paid to the persons denominated and be applied as set forth in the third column of the said *Schedule*.

What fees to be payable, and to whom 1871, No. 47, sec. 2.

16. The Acts enumerated in the *Second Schedule* hereto are hereby repealed.

Repeal of Acts.

## SCHEDULES.

## First Schedule.

## FIRST SCHEDULE.

The Act, Matter, or Thing in respect of which the Fee may be taken.	The Amount of Fee.	To whom Payment of Fee to be made, and how applied.
For taking a declaration, whether of alienage or British nationality	£ s. d. 0 1 0	To the Clerk of the Court or of the Justice taking the declaration, if taken by a Justice or before a Court of judicature, and to be paid to the Public Account. If not before such Court or by a Justice, then to the officer taking the declaration.
For granting a certificate of readmission to British nationality, and for registering the same, together with the oath of allegiance	1 0 0	Into the Treasury, to be carried to the Public Account.
For administration of the oath of allegiance	0 5 0	If the oath is administered by a Justice of the Peace, or before a Court of judicature, to the Clerk of such Justice or Court, and to be carried to the Public Account. Otherwise, to the officer administering the oath, and to be paid over to the Public Account.
For transmitting to the Home Office a declaration, with or without oath, for registration	0 1 6	To the Clerk of the Justice or Court, or to the officer who transmits the same, in each case for his own benefit.
For transmitting to the Colonial Secretary's Office a declaration, with or without oath, for registration	0 1 0	Same as preceding.
For certified copy of any declaration or certificate, with or without oath	0 10 0	Into the Treasury, to be carried to the Public Account.

## Second Schedule.

## SECOND SCHEDULE.

1866, No. 17.—The Aliens Act, 1866.

1870, No. 40.—The Aliens Act, 1870.

1871, No. 47.—The Naturalization Act 1870 Fees Act, 1871.