AN ACT

To amend an Act to provide for the Naturalization of Aliens.

Preamble.

WHEREAS, it is expedient to make further provision for the Naturalization of Aliens, and to repeal the Alien Act, 1861:

Be it enacted by the Governor on behalf of Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:

Repeal of Alien Act, 1861.

I. The Alien Act, 1861, is hereby repealed, save in so far as any act or thing done thereunder prior to the passage of this Act shall be as valid and effectual as if this Act had not been passed.

Aliens resident for five years within the Colony, and who shall have taken the Oaths of Residence and Allegiance, shall have all the rights of British subjects.

II. Every Alien who has completed or shall hereafter complete a continuous residence in any part of this Colony for the space of Five Years or upwards, and who shall not be amenable to the laws of any foreign country as a felon, and who shall have taken the Oaths of Residence and Allegiance, and shall have procured the same to be filed of record as hereinafter prescribed, so as to entitle him or her to a Certificate of Naturalization as hereinafter provided, shall from the date of such Certificate within the Colony of Vancouver Island and its Dependencies, enjoy and may transmit, all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

Manner of taking Oath of Allegiance.

III. The Oath of Allegiance, as prescribed in the Schedule hereto, shall be taken and subscribed by the said Alien before the Chief Justice of the Colony in open Court, or in the case of Quakers, Moravians, Separatists, or others who shall declare that they have a conscientious objection to the taking of an oath, the Chief Justice may take their affirmation to the same effect, and a Certificate of such oath or affirmation having been so taken shall be issued by the Registrar of the Supreme Court.

Residential Oath.

IV. Every such Alien in order to become entitled to the benefit of this Act, shall take and subscribe the following Oath of Residence, or make solemn affirmation and declaration to the same effect, that is to say:—"I, A. B., do swear (or do solemnly and sincerely affirm and declare) that I did on the day of take and subscribe the oath of Allegiance, and that subsequently thereto I have resided five years in the Colony of Vancouver Island and its Dependencies, at , without having been during that time a stated resident in any foreign country; and that I fully intend to reside permanently in Vancouver Island. So help me God."

Residential Oath to be taken before a Justice of the Peace who shall thereupon issue a Certificate of Residence.

V. And every such Oath and Affirmation shall be taken and subscribed by the said Alien before and shall be administered to him or her by some Justice of the Peace, and the said Justice shall, upon corroborative evidence given on oath before him by two or more credible witnesses of the facts stated in such Oath or Affirmation of Residence, grant to the said Alien a Certificate of Residence, setting forth that such Alien has taken and subscribed the said Oath or Affirmation, and (if the fact is so,) that such Justice has reason to believe that such Alien has been so resident within the Colony for the time aforesaid, and that there exists to the knowledge of such Justice no reason why the said Alien should not be granted all the rights and capacities of a natural born British subject.

After one month's publication of application for Naturalization Chief Justice to issue Certificate

VI. The said Alien, after receiving such Certificate of Residence may apply to the Registrar of the Supreme Court of Civil Justice for Naturalization, and it shall be the duty of the said Registrar thereupon and on production of the Certificate of

such Alien having taken the oath of Allegiance, or satisfactory proof of the same having been issued to publish the said application, by posting a notice for one month on the walls of his office, describing the name, occupation and residence of the applicant as specified in the Certificate given by the Justice of the Peace; and if, during that time, no valid objection shall be made to the Naturalization of such Alien, such person shall be then entitled to receive a Certificate of Naturalization under the Seal of the Supreme Court of Civil Justice, in the following form:

COLONY OF VANCOUVER ISLAND.

In the Supreme Court of Civil Justice.

Whereas, A. B., formerly of , and now of , hath complied with the several requirements of the Alien Act, 1863, these are therefore to certify to all whom it may concern, that under and by virtue of the said Act, the said A. B. hath obtained all the rights and capacities of a natural born British subject conferred by this Act, within this Colony, to have, hold, possess and enjoy the same within the limits thereof only (but not elsewhere), upon, from, and after the date hereof.

Given under my hand and seal of the said Court, this day of in the year of our Lord

(Signed,)

Record of Certificates of Naturalization.

VII. A record of all Certificates of Naturalization shall be kept in the said Court and open to inspection, free of any charge.

Wife of Naturalized Alien to be deemed a British Subject.

VIII. Any woman married to a natural born British subject, or person naturalized under the authority of this Act, shall be deemed to be herself naturalized, and have all the rights and privileges of a natural born British subject within this Colony.

Fees.

IX. The Justice of the Peace administering the oath or affirmation and granting the said Certificate of Residence, shall be entitled to receive from the person to whom he administers and grants the same, the sum of Five Dollars:—and the Registrar of the Supreme Court shall receive likewise for the administration of the Oath of Allegiance and issuing the said Certificate of Naturalization, the sum of Fifty Dollars. All such sums to be paid into the Treasury of the Colony, to be applied to the use of Her Majesty, Her Heirs and Successors.

Penalties of Perjury, &c.

X. Any person wilfully swearing falsely or making any false affirmation or declaration under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall on conviction, in addition to any other punishment authorised by law, forfeit all the privileges or advantages which he or she would otherwise by making such oath or affirmation or declaration have been entitled to under this Act, but the rigts of others in respect to Estates derived from or held under him or her, shall not thereby be prejudiced; excepting always the rights of such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created.

Short Title.

XI. This Act may be cited for all purposes as the "Alien Act, 1863."

SCHEDULE.

Oath of Allegiance.

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Victoria, of the United Kingdom of Great Britain and Ireland, and of the Dependencies and Colonies thereof in Europe, Asia, Africa, America, and Australasia, Queen, and that I will defend her to the utmost of my power against all conspiracies and attempts whatever, which shall be made against Her Person, Crown, or Dignity, and I will do my utmost endeavor 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 maintain, support and defend to the utmost of my power, the succession 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 renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the said Realm and its Dependencies and Colonies as aforesaid. So help me God.

(Signed,) A. B.

Sworn and subscribed by the said A. B. before me, this—— day of——18

(Signed,)