

**A SUPPLEMENT. A TREATISE
ON THE LAW RELATING TO
ALIENS, AND DENIZATION
AND NATURALIZATION**

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A supplement. A Treatise on the Law Relating to Aliens, and Denization and Naturalization by
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A SUPPLEMENT,
&c.

SINCE the publication of the work on Aliens, two Acts of Parliament have been passed; one carrying out a part of the Report made by the Committee of the House of Commons, referred to at pp. 90 and 203 of the work, and the other amending the Copyright Act, referred to at pp. 81 and 106: the first Act above referred to being the Act 7 & 8 Vict. c. 66, and the other the 7 & 8 Vict. c. 12; and another Act, namely, the 7 & 8 Vict. c. 70, (being an Act for facilitating arrangements between debtors and creditors) has been also passed, to the benefit of which aliens are entitled.

AS TO THE ACT 7 & 8 VICTORIA, c. 66.

THIS Act repeals the Acts 12 & 13 Will. 3, c. 2; 1 Geo. 1, s. 2, c. 4, and 13 Geo. 3, c. 84, so far as they are inconsistent with the provisions of the new Act; and so much of the statute 1 Geo. 1, c. 4, as relates to the insertion, in Bills for naturalization, of clauses preventing persons thereby naturalized from becoming members of

the Privy Council, or of either House of Parliament, or taking offices' civil or military, or having any grant from the Crown to himself, or any person in trust for him, of lands, tenements, or hereditaments.

Under the provisions of this Act, the mode of naturalization is altered, and greater advantages than they formerly enjoyed are given to aliens; and aliens, the subjects of friendly states, are entitled to take and hold personal estate, except chattels real, absolutely, and land for the purpose of residence or occupation by him or her, or his or her servants, or for the purpose of business, trade, or manufacture, for any term of years not exceeding twenty-one; as to leasehold property by grant, lease, demise, assignment, bequest, representation or otherwise; and as to personal property, except chattels real, by purchase, gift, bequest, representation or otherwise: but such interest in land is not to confer on them, or any of them, a right to vote at elections for Members of Parliament: they may, however, in other respects hold such personal property and interest in land in the same manner as if they were natural-born subjects, (*see* sects. 4 and 5 of the Act).

As to the mode of naturalization, this may now be obtained by any alien, who on the 6th of August 1844 was residing, or who should

thereafter come to reside, in any part of Great Britain or Ireland, with intention to settle therein, on obtaining the certificate and taking the oath provided for by the Act; such certificate being obtained on the presentation of a memorial to one of Her Majesty's principal Secretaries of State: but such memorial should state the age, profession, trade, or other occupation of the memorialist, and the duration of his residence in Great Britain or Ireland, and all other the grounds on which he seeks to obtain any of the rights and capacities of a natural-born British subject. The Secretary may require an affidavit or other evidence verifying the truth of the memorial, and such certificate must be enrolled for safe custody as of record in the Court of Chancery. The oath would, under the provisions of the Act, be required to be taken within sixty days after the certificate had been obtained, such oath being taken before any of Her Majesty's Judges in the Courts of Queen's Bench, Common Pleas, or Exchequer, or before any Master or Master-Extraordinary in Chancery, and there must be obtained from the party administering the oath a certificate, signed by him, of such oath having been taken. The proceedings for obtaining the certificate are to be regulated by the Secretary of State, and the fees payable in respect of the several proceedings regulated by the Commis-

sioners of Her Majesty's Treasury, and the enrolment under the regulation of the Lord Chancellor, (*see* sects. 5, 6, 7, 8, 9, 10, 11 and 12 of Act).

By the 13th section of the Act, all persons who shall have been naturalized before the passing of the Act, and who shall have resided in the United Kingdom during five successive years, are to be deemed entitled to and are to enjoy all such rights and capacities of British subjects as may be conferred on aliens by the provisions of the Act; and by the 15th section it is enacted, "That nothing contained in the Act shall be construed so as to take away or diminish any right, privilege, or capacity theretofore lawfully possessed by or belonging to aliens residing in Great Britain or Ireland, 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 the Act."

Benefits are also conferred by the Act on persons born out of Her Majesty's dominions of a mother being a natural-born subject of the United Kingdom, and they are enabled to take to them, their heirs, executors, or administrators, any estate, real or personal, by devise or pur-

chase, or inheritance of succession, (*see* section 3 of the Act). But by the 14th section it is provided, that nothing in the Act 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 the Act, or under any descent or representation from or under any such natural born subject who shall have died before the passing of the Act.

And the Act also provides for the rights and privileges of a woman married to a natural-born subject or person naturalized, placing such woman in the same situation as the wife of any other natural-born subject, (*see* section 16 of the Act).

The Act therefore, with respect to leases, will do away with all the questions which have heretofore been raised, so far as they respect leases made since the passing of the Act, as to whether the property held on lease was required for trade or habitation, (*see* original work, pp. 123 and 204). It may be mentioned, however, that, under the old law, it has been lately held that an assignment of a lease to an alien artificer was good, and not void under the provisions of the Act 32 Hen. 8, c. 16, (*see* the case of *Wootton v. Steffenoni*, 12 Mees. & W. 129). Under the