

CHAP. XXVI.—*An Act to amend an act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures," shall not be deemed to operate upon unregistered ships or vessels owned by the citizens of the United States, at the time of passing the said act, in those cases where such ship or vessel, at that time, possessed a sea letter, or other regular document issued from a custom-house of the United States, proving such ship or vessel to be American property.

SEC. 2. *And be it further enacted,* That whenever satisfactory proof shall be made to the Secretary of the Treasury, that any unregistered ship or vessel was, in fact, the property, in whole, of a citizen or citizens of the United States, on the thirtieth day of May, in the year one thousand eight hundred, that the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be issued to such ship or vessel, a certificate, which shall entitle such unregistered ship or vessel to the same privileges which are herein before granted to unregistered ships or vessels owned by citizens of the United States, and carrying a sea letter, or other regular document issued from a custom-house of the United States, before the passing of the said act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures."

APPROVED, April 14, 1802.

CHAP. XXVIII.—*An Act to establish an uniform rule of Naturalization, and to repeal the acts heretofore passed on that subject.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:—

First, That he shall have declared, on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States, three years at least, before his admission, that it was, bona fide, his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Thirdly, That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at

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1800, ch. 64.

Part of a former law not to operate upon unregistered ships, &c.

In certain cases.

Upon proof, the Secretary of the Treasury to cause a certificate to be issued to an unregistered ship or vessel, entitling her to certain privileges.

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April 14, 1802.

Act of March 26, 1804, ch. 47.
Act of July 30, 1813, ch. 36.
Act of March 22, 1816, ch. 32.
Act of May 26, 1824, ch. 186.

An alien may become a citizen of the United States.

On what conditions.

To declare on oath or affirmation in the supreme or superior court, or district or circuit court of some of the states or of the U. States, three years before his admission, his intention to renounce forever his allegiance to any sovereign or state of which he is a subject.

(a) See notes to act of March 26, 1790, chap. 13, vol. i. page 103.

To swear or affirm that he will support the Constitution of the U. States.

That he shall have resided in the U. States five years before he shall be admitted a citizen.

Shall prove that he is a man of good moral character and attached to the Constitution of the U. States.

Shall renounce every title of nobility held by him.

On what conditions an alien may be naturalized, who resided in the U. States after the 29th January, 1795

Proceedings to be recorded by the clerk of the court.

Provision in favour of persons residing in the U. States between the 29th January, 1795, and the 18th June, 1798.

Mode of naturalization prescribed.

Free white persons arriving in the U. States to be registered.

Form of register.

least; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same: *Provided*, that the oath of the applicant shall, in no case, be allowed to prove his residence.

Fourthly, That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application shall be made, which renunciation shall be recorded in the said court: *Provided*, that no alien who shall be a native citizen, denizen or subject of any country, state or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States: *Provided also*, that any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject: and moreover, on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission: all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof: and provided also, that any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may, within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

SEC. 2. *Provided also, and be it further enacted*, That in addition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this act, shall, in order to become citizens of the United States, make registry, and obtain certificates, in the following manner, to wit: every person desirous of being naturalized shall, if of the age of twenty-one years, make report of himself; or if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master or mistress, to the clerk of the district court of the district where such alien or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular state; and such report shall ascertain the name, birthplace, age, nation and allegiance of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual

concerned therein, whenever he shall be required, a certificate under his hand and seal of office of such report and registry; and for receiving and registering each report of an individual or family, he shall receive fifty cents; and for each certificate granted pursuant to this act, to an individual or family, fifty cents; and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

SEC. 3. *And whereas*, doubts have arisen whether certain courts of record in some of the states, are included within the description of district or circuit courts: *Be it further enacted*, that every court of record in any individual state, having common law jurisdiction, and a seal and clerk or prothonotary, shall be considered as a district court within the meaning of this act; and every alien who may have been naturalized in any such court, shall enjoy, from and after the passing of the act, the same rights and privileges, as if he had been naturalized in a district or circuit court of the United States.

SEC. 4. *And be it further enacted*, That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years, at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States, and the children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: *Provided*, that the right of citizenship shall not descend to persons whose fathers have never resided within the United States: *Provided also*, that no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen, as aforesaid, without the consent of the legislature of the state in which such person was proscribed.

SEC. 5. *And be it further enacted*, That all acts heretofore passed respecting naturalization, be, and the same are hereby repealed.

APPROVED, April 14, 1802.

What courts are to be considered as capable of naturalizing aliens.

Children of persons naturalized under certain laws to be citizens of the United States.

Privilege of citizenship not to extend to children of persons who have never resided in the U. States.

Or to persons proscribed, &c.

Repeal of former acts.

STATUTE I.

April 26, 1802.

CHAP. XXX.—*An Act in addition to an act, intituled "An act, in addition to an act regulating the grants of land appropriated for military services, and for the society of the United Brethren, for propagating the gospel among the Heathen."*

Act of March 1, 1800, ch. 13. Act of March 3, 1803, ch. 30.

How the holders of certain warrants for military services, or register's certificates, may register or locate the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, and until the first day of January next, it shall be lawful for the holders or proprietors of warrants heretofore granted in consideration of military services, or register's certificates of fifty acres, or more, granted, or hereafter to be granted agreeable to the third section of an act intituled "An act in addition to an act, intituled An act regulating the grants of land appropriated for military services; and for the society of the United Brethren for propagating the gospel among the Heathen," approved the first day of March one thousand eight hundred, to register and locate the same, in the same manner, and under the same restrictions, as might have been done before the first day of January last: *Provided*, that persons holding register's certificates for a less quantity than one hundred acres, may locate the same on such parts of fractional townships, as shall, for that purpose, be divided by the Secretary of the Treasury into lots of fifty acres each.

Provision with respect to certain register's certificates.