

EX PARTE NEWMAN.

{2 Gall. 11.}¹

Circuit Court, D. Massachusetts. Oct. Term, 1813.

NATURALIZATION—DECLARATION OF INTENTION BY ALIEN ENEMY.

An alien enemy cannot be permitted to make the declaration required by law preparatory to the naturalization of aliens.

J. T. Austin, in behalf of Newman, who is an alien enemy, moved the court to permit him to file his declaration preparatory to naturalization, according to the act of 14th of April, 1802, c. 28 [2 Stat. 153].

Before STORY, Circuit Justice, and DAVIS, District Judge.

STORY, Circuit Justice. The petitioner is an alien enemy, and therefore has no legal standing in court to acquire even inchoate rights. We have so held on a former application. The act of congress of 30th of July, 1813 [4 Bior. & D. 585] c. 35 [2 Stat. 53, c. 36], on which this motion is founded, does not apply. That act enables persons, who before the war had made the preparatory declaration, to become citizens in the same manner as if war had not intervened. But it confers no privileges on other persons. The petitioner, therefore, cannot exempt himself from the general disability. Motion denied.

¹ [Reported by John Gallison, Esq.]