

OTTERIDGE v. THOMPSON.

{2 Cranch, C. C. 108.}¹

Circuit Court, District of Columbia. Dec Term, 1814.

RESIDENT ALIENS—COMPETENCY TO MAINTAIN PERSONAL ACTION.

An alien enemy, resident here by license of the government of the United States, is competent to maintain a personal action; and if residing here before the war, as a mechanic, and continuing so to reside until the time of bringing suit, the jury may presume that he was remaining here under the permission and license of the government; although he had not reported himself according to the president's proclamation.

Assumpsit. Plea, alien enemy. Replication that the plaintiff, at the time of the impetration of the writ, was resident in the United States, with the license of the government. General rejoinder, and issue.

Mr. Law, for plaintiff, said that the replication was according to a form in Story's Pleadings, and cited *Wells v. Williams*, 1 *Ld. Raym.* 282, 1 *Salk.* 46; *Sparenburgh v. Bannatyne*, 1 *Bos. & P.* 163, 165, and *Clarke v. Johnson*, 10 *Johns.* 59. It was proved that the plaintiff was a mechanic, and was here before the war, and continued to reside here until the action was brought.

Mr. Key, for defendant, objected that the defendant ought to have reported himself, according to the president's proclamation, in order to entitle himself to protection.

THE COURT, at the request of the plaintiff's counsel, instructed the jury that, from the circumstances above stated, they might presume that the plaintiff was residing here under the permission and license of the government, although he had not reported himself according to the proclamation.

¹ [Reported by Hon. William Cranch, Chief Judge.]

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google](#). 