

Campbell Vs. Gordon

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Court : US Supreme Court

Decided On : 1810

Appeal No. : 10 U.S. 176

Appellant : Campbell

Respondent : Gordon

Judgement :

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Campbell v. Gordon

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APPEAL FROM THE CIRCUIT COURT

OF THE DISTRICT OF VIRGINIA

SYLLABUS

A certificate by a competent court that an alien has taken the oath prescribed by the act respecting naturalization raises a presumption that the court was satisfied as to the moral character of the alien and of his attachment to the principles of the

Constitution of the United States, &c.; The oath, when taken, confers the rights of a citizen. It is not necessary that there should be an order of court admitting him to become a citizen.

The children of persons duly naturalized before 14 April, 1802, being under age at the time of the naturalization of their parent, were, if dwelling in the United States, on 14 April, 1802, to be considered as citizens of the United States.

The case was stated by WASHINGTON, J. in delivering the opinion of this Court as follows:

"The object of the bill was to rescind a contract made between the appellant and Robert Gordon, the appellee, for the sale of a tract of land by the latter to the former, upon the ground of a defect of title. The facts in the case, which are not disputed, appear to be as follows. The land which forms the subject of dispute belonged to James Currie, a citizen of Virginia, who died seized thereof in fee on 23 April, 1807, intestate, and without issue. James Currie had one brother of the whole blood named William who, prior to 14 October, 1795, was a subject of the King of Great Britain, but who emigrated

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to the United States, and on the day last mentioned, at a district court held at Suffolk, in Virginia, took the oath prescribed by the act of Congress for entitling himself to the rights and privileges of a citizen. At the time when this oath was taken, William Currie had one daughter, Janeta, the wife of the appellee, who was born in Scotland. She came to the United States in October, 1797, whilst an infant, during the life of her father, and hath ever since continued to reside in the State of Virginia. William Currie died prior to the 23d of April, 1807. "

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WASHINGTON, J. after stating the case as before mentioned, delivered the opinion of the Court as follows:

The title of the appellees to the land in question being disputed only upon the ground of the alienage of the female appellee, the Court takes it for granted that there is no other objection to its validity. It is contended by the counsel for the appellant that Janeta, who claims as heir to James Currie, is an alien inasmuch as she has by no act of her own entitled herself to the rights and privileges of a citizen, and cannot claim those rights in virtue of her migration to the United States and of any acts performed by her father. first because her father was not duly naturalized, and secondly because if he were, she was not, at the time of her father's naturalization, dwelling within the United States.

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In support of the first objection, it is contended that although the oath prescribed by the second section of the act of Congress entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," passed 29 January, 1795, was administered to the said William Currie by a court of competent jurisdiction, still it does not appear by the certificate granted to him by the court and appearing in the record that he was by the judgment of the court admitted a citizen, or that the court was satisfied that during the term of two years mentioned in the same section he had 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.

It is true that this requisite to his admission is not stated in the certificate, but it is the opinion of this Court that the court of Suffolk must have been satisfied as to the character of the applicant, or otherwise a certificate, that the oath prescribed by law had been taken would not have been granted.

It is unnecessary to decide whether, in the order of time, this satisfaction as to the character of the applicant must be first given, or whether it may not be required after the oath is administered, and if not then given, whether a certificate of naturalization may not be withheld. But if the oath be administered and nothing appears to the contrary, it must be presumed that the court before which the oath

was taken was satisfied as to the character of the applicant. The oath, when taken, confers upon him the rights of a citizen, and amounts to a judgment of the court for his admission to those rights. It is therefore the unanimous opinion of the Court that William Currie was duly naturalized.

The next question to be decided is whether the naturalization of William Currie conferred upon his daughter the rights of a citizen after her coming to and residing within the United States, she having been

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a resident in a foreign country at the time when her father was naturalized.

Whatever difficulty might exist as to the construction of the third section of the Act of 29 January, 1795, in relation to this point, it is conceived that the rights of citizenship were clearly conferred upon the female appellee by the fourth section of the Act of 14 April, 1802.

This act declares that the children of persons duly naturalized under any of the laws of the United States, being under the age of 21 years at the time of their parent's being so naturalized, shall, if dwelling in the United States, be considered as citizens of the United States. This is precisely the case of Mrs. Gordon. Her father was duly naturalized, at which time she was an infant, but she came to the United States before the year 1802, and was at the time when this law passed dwelling within the United States.

It is therefore the unanimous opinion of the Court that at the time of the death of James Currie, Mrs. Gordon was entitled to all the right and privilege of a citizen, and therefore that there is no error in the decree of the Circuit Court for the District of Virginia, which is to be

Affirmed with costs.