

Spratt Vs. Spratt

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SooperKanoon Citation : sooperkanoon.com/79278

Court : US Supreme Court

Decided On : 1830

Appeal No. : 29 U.S. 393

Appellant : Spratt

Respondent : Spratt

Judgement :

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Spratt v. Spratt

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ON A CASE STATED IN THE CIRCUIT COURT FOR THE

COUNTY OF WASHINGTON IN THE DISTRICT OF COLUMBIA

SYLLABUS

The second section of the act of Congress "to establish an uniform system of naturalization," passed in 1802, requires that every person desirous of being naturalized shall make report of himself to the clerk of the district court of the

district where he shall arrive, or some other court of record in the United States, which report is to be recorded and a certificate of the same given to such alien, and

"which certificate shall be exhibited to the court by every alien who may arrive in the United States after the passing of the act, on his application to be naturalized, as evidence of the time of his arrival within the United States."

James Spratt arrived in the United States after the passing of this act, and was under the obligation to report himself according to its provisions. The law does not require that the report shall have been made five years before the application for naturalization. The third condition of the first section of the law, which declares that the court admitting an alien to become a citizen "shall be satisfied that he has resided five years in the United States," &c.;, does not prescribe the evidence which shall be satisfactory. The report is required by the law to be exhibited on the application for naturalization as evidence of the time of arrival in the United States. The law does not say the report shall be the sole evidence, nor does it require that the alien shall report himself within any limited time after arrival. Five years may intervene

between the time of arrival and the report, and yet the report be valid. The report is undoubtedly conclusive evidence of the arrival, but it is not made by the law the only evidence of that fact.

James Spratt was admitted a citizen of the United States by the Circuit Court for the County of Washington in the District of Columbia, and obtained a certificate of the same in the usual form. The act of the court admitting James Spratt as a citizen was a judgment of the circuit court, and this Court cannot look behind it and inquire on what testimony it was pronounced.

The various acts on the subject of naturalization submit the decision upon the right of aliens to courts of record. They are to receive testimony, to compare it with the law, and to judge on both law and fact. If their judgment is entered on record in legal form, it closes all inquiry, and like any other judgment, is complete evidence

of its own validity.

The act of the Legislature of Maryland of 1791, which authorizes the descent to alien heirs of lands held by aliens under "deed or will" in that part of the District of Columbia which was ceded to the United States by the State of Maryland does not authorize the descent to such heirs of land in that part of the district, which was purchased by an alien at a sale made under an order of the court of chancery and for which no deed was executed before the purchaser became a citizen of the United States or before his decease.

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The plaintiff, Thomas Spratt, instituted in the circuit court an action of replevin, the defendant, as the administratrix of James Spratt, having levied a distress on the property of the plaintiff for rent claimed to be due for a house occupied by him in the City of Washington and to which he claimed title in himself and in the brothers and sisters of James Spratt, deceased. It was agreed by the counsel that the title to the house and lot of ground upon which the same is erected should be determined upon the following stated facts:

Thomas Spratt, Andrew Spratt, Sarah Spratt and Catharine Spratt are brothers and sisters of the whole blood of James Spratt the intestate, and are natives of Ireland and subjects of the King of Great Britain, and were not, before the institution of this suit, naturalized as citizens of the United States, and but one of them, Thomas Spratt, and the deceased, James Spratt, ever came to the United States. James Spratt was also a native of Ireland, and came to the United States sometime before 18 June, 1812, from which time he continued to reside in the United States until March, 1824, when he died without issue, leaving Sarah Spratt his widow, who became the administratrix to his estate.

James Spratt, on 17 May, 1817, appeared in the Circuit Court of the District of Columbia for the County of Washington, and before the court made the declaration on oath required by the first condition of the first section of the Act to Establish an Uniform System of Naturalization, &c.;, passed 14 April, 1802, which proceeding

was recorded in the minutes of the court's proceedings, and a certificate thereof, under the hand of the clerk and the seal of the court, on the same day given to James Spratt; he having, on 14 April then next preceding, made report of himself to the clerk of the circuit court, as stated in the certificate; which report was recorded in the office the said clerk, and the certificate of such report and registry, and of the declaration on oath, having been granted by the clerk to him. On 11 October, 1821, James Spratt made application to the said circuit court to be admitted a citizen of the United States, and was on the same day admitted

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by the court to become a citizen of the United States, as appears by the record of the proceedings of the court upon the matter of the said application, a certificate whereof, under the hand of the clerk and the seal of the court, was afterwards given by the clerk to him and is part of the case.

Sarah Spratt was also a native of Ireland and a native-born subject of the King of England; she emigrated to the United States before James Spratt, and has continually from the time of her emigration resided in the United States, and before his naturalization was lawfully married to him, and lived with him as his lawful wife from their marriage till his death in March, 1824, and was his wife at and before the time of his said naturalization, but has not been naturalized as a citizen of the United States pursuant to the act of Congress unless so naturalized by the naturalization of her husband.

On 9 June, 1825, the plaintiff and his brothers and sisters, claiming as heirs at law of James Spratt, brought their action of ejectment in this Court against Sarah Spratt to recover possession of sundry of the lands and tenements whereof James Spratt died seized in fee, not including the messuage and tenement in this suit, in which suit (the same having been duly prosecuted and put to issue) such proceedings were had that the title of Thomas Spratt was duly submitted to the consideration and judgment of the court upon a case agreed and stated between the parties, to be taken and considered as a special verdict, upon which the court gave judgment for Sarah Spratt, whereupon a writ of error was sued out to the

Supreme Court of the United States, where the judgment was reexamined as appears in [26 U. S. 1](#) Pet. 343, which is part of the case.

In the matter of a suit in the Circuit Court of the County of Washington by one of the creditors of Simon Meade, deceased, Joseph Forrest was appointed to make sale of certain real estate of Simon Meade, and after having set up the same for public sale, to return the sale to the court for confirmation, and having on 21 May, 1821, set

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up the estate on terms specified, by which the purchase money was to be paid in four installments at six, twelve, eighteen, and twenty-four months, and that a conveyance of the property should be made to the purchaser on the ratification of the sale by the court. The house and lot in question in this case were purchased by James Spratt, and on 21 October, 1821, the trustee returned the sale to the court. On 24 December, 1822, an interlocutory order was made for the ratification of the report of the sale, and in January, 1824, a final ratification of the sale was passed by the court.

James Spratt, after his naturalization and not before, paid the purchase money for the property by the installments, with interest, but no deed of conveyance of the same was ever executed to him, and he died invested with no other title to the premises in controversy but what he acquired by the sale at auction, the written memorandum, report, and ratification thereof, and the payment of the purchase money.

In the statement of the case thus agreed, there was inserted the following memorandum, which was signed by the counsel for the parties in the cause:

"It is understood, however, that the plaintiff does not admit, but denies, that the proceeding and evidence touching the naturalization of James Spratt, or any part of the same, do purport to be or to show a due and legal naturalization of James Spratt as a citizen of the United States, and maintains that the manner and process of such pretended naturalization appears from such proceedings and

evidence to have been irregular and void, unless such proceedings and evidence, or any part of the same, be held by the court to be conclusive in this case, that he was duly and legally naturalized as such citizen. While the defendant and avowant, on the other hand, maintains that no defect or irregularity appears in the manner and process of such naturalization; that the manner and process of the same in its preliminary stages are not examinable in this case, but that the admission of James Spratt to become a citizen of the United States, as it appears in the record and certificate thereof, is either substantively or in connection with the other evidence

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thereof, conclusive of his due naturalization as such citizen, all which matters are understood and agreed to be involved in the question of title and to be accordingly reserved for the consideration and judgment of the court upon the premises."

The declaration for naturalization made by James Spratt, was in the following terms:

"James Spratt, a native of Ireland, aged about twenty-six years, bearing allegiance to the King of Great Britain and Ireland, who emigrated from Ireland and arrived in the United States on 1 June, 1812, and intends to reside within the jurisdiction and under the government of the United States, makes report of himself for naturalization according to the acts of Congress in that case made and provided 14 April, anno domini 1817, in the clerk's office of the Circuit Court of the District of Columbia for the County of Washington, and on 14 May 1817, the said James Spratt personally appeared in open court and declared on oath that it is *bona fide* his intention to become a citizen of the United States and to renounce all allegiance and fidelity to every foreign prince, &c.;"

"W. BRENT, Clerk"

The record of the proceedings of the circuit court on the naturalization of James Spratt is in the following terms:

"At a Circuit Court of the District of Columbia begun and held in and for the County of Washington at the City of Washington on the first Monday of October, being the 1st day of the same month in the year of our Lord 1821, and of the independence of the United States the forty-sixth."

"James Spratt, a native of Ireland, aged about thirty years, having heretofore, to-wit, on 14 May, 1817, declared, on oath in open court that it was *bona fide* his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to the King of the united Kingdom of Great Britain and Ireland."

"And it now appearing to the satisfaction of the court by

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the testimony of two witnesses, citizens of the United States, to-wit, Samuel N. Smallwood and Jonathan Prout, that the said James Spratt hath resided within the limits and under the jurisdiction of the United States for five years at least last past and within the County of Washington one year at least last past, and that during the whole of that time he hath behaved as a man of 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 -- the said James Spratt is thereupon admitted a citizen of the United States, having taken the oath"

" 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 to the King of the united Kingdom of Great Britain and Ireland, to whom he was before a subject."

"11 October, 1821."

A certificate in due form, corresponding with this record, was given to James Spratt.

MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

This case depends entirely on the title of the defendant in error to the premises in the avowry mentioned, who is one of the brothers and heirs of James Spratt, deceased.

James Spratt was a native of Ireland who arrived in the United States previous to 18 June, 1812, and resided therein until his death. On 14 April in the year 1817, he made report of himself to the Clerk of the Circuit Court of the United States for the District of Columbia in the County of Washington, which report was recorded, and, on 17 May thereafter he appeared in the same court and made the declaration on oath required by the first condition of the first section of the act "to establish an uniform rule of naturalization," &c.;, passed 14 April, 1802, which proceeding was recorded and a certificate thereof granted in the following words:

"District of Columbia, to-wit: James Spratt, a native of Ireland, aged about twenty-six years, bearing allegiance to the King of Great Britain and Ireland, who emigrated from Ireland and arrived in the United States on 1 June, 1812, and intends to reside within the jurisdiction and under the government of the United States, makes report of himself for naturalization according to the acts of Congress in that case made and provided, 14 April, 1817, in the Clerk's Office of the Circuit Court of the District of Columbia for the County of Washington, and on 14 May, 1817, the said James Spratt personally appeared in open court and declared on oath that it is his intention to become a citizen of the United States and to

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renounce all allegiance and fidelity to every foreign prince,"

&c.;

This certificate was given under the hand and seal of the clerk. On 11 October, 1821, James Spratt again appeared in open court and took the oath required by law, and was admitted as a citizen. The certificate of his admission states that the three first conditions required by the Act of 14 April, 1802, had been complied with.

The said James Spratt intermarried with the plaintiff in error, Sarah Spratt and departed this life in March, 1824, without issue and intestate. The plaintiff in replevin is a native born subject of the King of Great Britain and Ireland, and was not naturalized at the time of the institution of this suit.

In the year 1791, the State of Maryland passed an act entitled "An act concerning the Territory of Columbia and the City of Washington," the sixth section of which provides

"That any foreigner may, by deed or will, to be hereafter made, take and hold lands within that part of the said territory which lies within this state in the same manner as if he was a citizen of this state, and the same lands may be conveyed by him and transmitted to and be inherited by his heirs or relations as if he and they were citizens of this state."

This act continues in force.

A decree was made by the circuit court for the sale of the estate of Simon Meade, deceased, to satisfy his creditors on certain conditions therein specified. In pursuance of this decree, Joseph Forrest, who was appointed to carry the same into execution, did, on 21 May, 1821, offer the real estate of the said Simon Meade for sale on the terms and conditions following, to-wit, that the purchase money should be paid in four equal installments, at six, twelve, eighteen, and twenty-four months, respectively, from the day of sale, with interest, and that a conveyance of the property in fee simple should be made to the purchaser upon the ratification of the sale by the court, and the payment of all the said installments of the purchase money with interest. At this sale, the said

James Spratt became the purchaser of the lot in the avowry mentioned. On 15 October, 1821 the said Joseph Forrest made his report to the court, and on 24 December, 1822, an interlocutory decree was made for confirming the sale, and on 26 January, 1824, the final decree of confirmation was passed. No deed was executed during the lifetime of the said James Spratt. The bidding at the sale was made while the said James Spratt was an alien, but before any other step was taken, he became a citizen.

Upon this state of facts, the circuit court gave judgment for the plaintiff in replevin, which judgment has been brought before this Court by writ of error.

This cause has been argued very elaborately by counsel. It appears to the court to depend essentially on two questions.

1. Was James Spratt a citizen of the United States?
2. If he became a citizen, did the premises in the avowry mentioned pass to his alien relations who are his next of kin?

1. The first question depends on the act of 1802, for establishing an uniform rule of naturalization. The act declares that an alien may be admitted to become a citizen of the United States "on the following conditions, and not otherwise." The act then prescribes four conditions, the three first of which were applicable to James Spratt, and were literally observed.

The second section enacts

"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, &c.;"

The law then directs what the contents of the report shall be, orders it to be recorded and that a certificate thereof shall be granted to the person making the report

"which 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

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application to be naturalized, as evidence of the time of his arrival within the United States."

As James Spratt arrived within the United States after the passage of the act of 1802, he is embraced by the second section of that act, and was under the necessity of reporting himself to the clerk, as that section requires. Must this report be made five years before he can be admitted as a citizen?

The law does not in terms require it. The third condition of the first section provides "that the court admitting such alien shall be satisfied that he has resided within the United States five years at least," but does not prescribe the testimony which shall be satisfactory. This section was in force when James Spratt was admitted to become a citizen, and was applicable to his case. But the second section requires in addition that he shall report himself in the manner prescribed by that section, and requires that such report shall be exhibited, "on his application to be naturalized as evidence of the time of his arrival within the United States." The law does not say that this report shall be the sole evidence, nor does it require that the alien shall report himself within any limited time after his arrival. Five years may intervene between his arrival and report, and yet the report will be valid. The report is undoubtedly conclusive evidence of the arrival, and must be so received by the court; but if the law intended to make it the only admissible evidence and to exclude the proof which had been held sufficient that intention ought to have been expressed. Yet the inference is very strong from the language of the act that the time of arrival must be proved by this report and that a court, about to admit an alien to the rights of citizenship, ought to require its production.

But is it anything more than evidence which ought indeed to be required to satisfy the judgment of the court, but the want of which cannot annul that judgment? The judgment has been rendered in a form which is unexceptionable. Can we look

behind it and inquire on what testimony it was pronounced?

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The act does not require that the report shall be mentioned in the judgment of the court or shall form a part of the certificate of citizenship. The judgment and certificate are valid, though they do not allude to it. This furnishes reason for the opinion that the act directed this report as evidence for the court, but did not mean that the act of admitting the alien to become a citizen should be subject to revision at all times afterwards, and to be declared a nullity if the report of arrival should not have been made five years previous to such admission.

The act of 1816, sec. 6, has, we think, considerable influence on this question. That act requires that the certificates of report and registry, required as evidence of the time of arrival in the United States and of the declaration of intention to become a citizen,

"shall be exhibited by every alien, on his application to be admitted a citizen of the United States, who shall have arrived within the limits and under the jurisdiction of the United States since 18 June, 1812, and shall each be recited at full length in the record of the court admitting such alien, and any pretended admission of an alien who shall have arrived within the limits and under the jurisdiction of the United States since the said 18 June 1812, to be a citizen, after the promulgation of this act, without such recital of each certificate at full length, shall be of no validity."

James Spratt arrived within the United States previous to 18 June, 1812, and is consequently not within the provisions of the act of 1816.

This act is not intended to explain the act of 1802, but to add to its provisions. It prescribes that which the previous law did not require, and prescribes it for those aliens only who arrive within the United States after 18 June, 1812. It annuls the certificates of citizenship which may be granted to such aliens without the requisite recitals; consequently, without this act, such certificates would have been valid.

The law did not require the insertion of these recitals in the certificate of James Spratt.

The various acts upon the subject submit the decision on the right of aliens to admission as citizens to courts of record.

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They are to receive testimony, to compare it with the law, and to judge on both law and fact. This judgment is entered on record as the judgment of the court. It seems to us, if it be in legal form, to close all inquiry, and, like every other judgment, to be complete evidence of its own validity.

The inconvenience which might arise from this principle has been pressed upon the Court. But the inconvenience might be still greater if the opposite opinion be established. It might be productive of great mischief if, after the acquisition of property on the faith of his certificate, an individual might be exposed to the disabilities of an alien on account of an error in the court not apparent on the record of his admission. We are all of opinion that James Spratt became a citizen of the United States on 11 October, 1821.

2. Did the property mentioned in the avowry descend to his alien relations?

Since aliens are incapable of taking by descent, the answer to this question depends on the enabling act of the State of Maryland in the year 1791. That act does not enable aliens who may come into the District of Columbia to transmit all real estate, however acquired, to their alien relations by descent, but such lands only as shall be thereafter acquired by deed or will. This is a qualification of the power which cannot be disregarded. The words are not senseless, and would not, we must suppose, have been inserted had they not been intended to operate. They limit the capacity of an alien to inherit from his alien ancestor residing within this district to lands which he had taken by deed or will. It is not for us to weigh the reasons which induced the legislature to impose this limitation. It is enough for a court of justice to know that the legislature has imposed it and that it forms part of the law of the case.

If any equivalent act might be substituted for a deed, no such equivalent act can be found in this case. The auction at which this property was sold certainly took place while James Spratt was an alien, but that the sale was entirely conditional, and the purchase depended on the payment of

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the installments, on the confirmation of the court, and the final decree of the court. Before the first installment became due, before even the report was returned to the court, James Spratt became a citizen. He did not, therefore, while an alien, hold this land by a deed or by any title equivalent to a deed.

In a controversy between the alien heirs of James Spratt and Sarah Spratt, [26 U. S. 1](#) Pet. 343, this Court determined that land which James Spratt took and held under the enabling act of Maryland descended to his alien heirs, but that land which he took and held as a citizen did not pass to those heirs.

The lot mentioned in the avowry comes, we think, within the last description, and did not descent to the plaintiff in replevin.

The judgment of the circuit court is reversed and the cause remanded with directions to enter judgment for the avowant.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, on consideration whereof it is ordered and adjudged by this Court that the judgment of the said circuit court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said circuit court with instructions to enter judgment in the said court for the avowant in said cause.