

(APPENDIX H.) *See Journal page 70.*

rigid than the law in England, although the position of the two countries, in respect of danger, from a vast influx of foreigners, is very different. As in the United States all persons born within the territories of the British empire are deemed aliens, so in Great Britain citizens of the United States, coming to that country, are held to be foreigners, and were obliged to report themselves to the alien office, and some of them were ordered to depart the kingdom; among others, the famous Aaron Burr.

It is further worthy of remark, that during the late unhappy contest, between the two countries, citizens of the United States in Great Britain, or in this province, were treated with far more consideration and lenity, than British subjects residing in the United States. Now, that there is peace and friendship between the two nations, and great mutual intercourse, it might be expected if any relaxation were thought expedient, that the time for making it has arrived; nevertheless the situation of a subject of either nation, residing within the dominions of the other, is that of an alien.

*A British subject in the United States.*

- 1.—Cannot serve as a juryman.
- 2.—Can enjoy no station of profit or honour under the government.
- 3.—Can hold no land.
- 4.—Cannot vote for a member of Assembly or Congress.
- 5.—Cannot become a member of the legislature.
- 6.—Can derive no benefit from the navigation laws above other foreigners.

*An American citizen in Great Britain.*

- 1.—Cannot serve as a juryman.
- 2.—Can enjoy no station of profit or honour under the government.
- 3.—Can hold no land.
- 4.—Can neither vote for nor become a member of parliament.
- 5.—Can derive no benefit from the navigation laws above other foreigners.

These disabilities may be wholly or in part, removed by laws existing in either country, or by a special law for a particular case, provided aliens qualify themselves to receive the benefit; but so long as they preserve their respective allegiances unimpaired, they are aliens in either country. As the concurrent act of a subject and the government to which he owes natural allegiance, may dissolve this tie, so may the concurrent act of a government and an emigrant produce this tie: and the emigrant may thus become entitled to all the benefits and privileges of a natural born subject. This is called naturalization, and obtains both in Great Britain and the United States, though in a different manner. In regard to naturalization, it is to be remarked, that it proceeds upon the fact, that the person to be naturalized is an alien or foreigner, otherwise it would be an anomaly. Most nations have been very cautious in admitting strangers into the rights and privileges of natives, and therefore their laws on this subject, have been in general very carefully drawn up. Nations may, in many respects, be compared to families, but families are not much disposed to admit strangers to share in their domestic privileges, unless compelled by a strong necessity: and accordingly we find among all ancient nations the greatest jealousy exercised in this matter; and that, unless for the purpose of providing for future defence strangers were seldom admitted to a full participation of the privileges and immunities of natural born subjects. This jealousy is sanctioned by the feelings of nature; persons to associate must have a common object, a community of sentiment and feeling, and the same language. But these elements of union are seldom found in a foreigner, and are therefore difficulties to his admission in limine, which he is rarely able to overcome. Some particular causes have produced relaxations. After a long war, strangers have been invited to fill the place of those who had fallen in battle; or they have been invited to assist in the wars of the natives, or to people parts of their territories laid waste by pestilence or war, or to assist in the settlement of foreign possessions; and exceptions have sometimes been made for commercial advantages.

Nations frequently at their commencement, are disposed to associate strangers with them, without any difficult preparation. Thus Athens, under its first King, admitted strangers on easy terms to become citizens; but, after she became a republic, and distinguished in Greece, it was extremely difficult to become a citizen; nay, it was considered presumptuous for foreigners, though at the head of armies, or on thrones, to aspire to so great an honour; and only a few persons who were eminently celebrated, were admitted to this distinction. Among the Romans, no foreigner was allowed the privilege of a native, except the inhabitants of some Italian cities, until after the destruction of the republic, when the Emperors conferred it first upon whole provinces, and at length upon the whole empire.

In England and Scotland, partial naturalization laws have not been unfrequent, but till the 7th of Queen Ann, cap. 5, (1709,) no law of a general character on this head, had ever been enacted. During that session

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said, before whom he, she or they shall be brought, full and complete satisfaction that his, her or their words, actions, conduct or behaviour, had no such tendency, or were not intended to promote or encourage disaffection to His Majesty's person or government, it shall and may be lawful for each or any of the said persons so granting such warrant or warrants, or so authorised as aforesaid, and he and they is and are hereby required to deliver an order or orders in writing, to such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, requiring of him, her or them to depart this Province within a time to be limited by such order or orders, or if it shall be deemed expedient that he, she or they should be permitted to remain in this Province, to require from him, her or them good and sufficient security, to the satisfaction of the person or persons acting under the authority hereby given, for his, her or their good behaviour, during his, her or their continuance therein.