policy. We are, therefore, of opinion, that the underwriters not being answerable for the principal loss in this case, they cannot be so for the subsequent expenses which were incurred in recovering the property. The judgment of the court below is affirmed, with costs.

Judgment affirmed.

Stark *v.* Chesapeake Insurance Company. (*a*)

Naturalization.

It need not appear by the record of naturalization, that all the requisites prescribed by law for the admission of aliens to the rights of citizenship, have been complied with.[1]

Semble: That the judgment of the court, admitting the alien to become a citizen, is conclusive that all the pre-requisites have been complied with; or, that parol proof may be received in aid of the record.

Error to the Circuit Court for the district of Maryland, in an action of covenant, upon a policy of assurance, in which the goods insured were warranted to be American property, "proof of which to be required in the United States only." A loss by capture having taken place, the plaintiff offered an abandonment which was refused, wherefore, he brought this action:

To prove his citizenship, and support the warranty, he produced and read at the trial, an exemplification, duly authenticated, of the record of his naturalization, in the words following, viz:

"At a court of common pleas, held at York, for the county of York, on the third Monday of May, in the year of our Lord, one thousand eight hundred and four, before John Joseph Henry, Esquire, president, and his associate judges, &c., assigned, &c. The petition of John Philip Stark, late of Wetgenstein Berleburg, in the empire of Germany, was read to the court, setting forth that your petitioner has resided in the state of Pennsylvania five years, that he is now desirous of becoming a citizen of the United States, conformably to the act of congress in such case lately provided; your
*421] petitioner therefore prays of the *honorable court, that he may be admitted to citizenship, upon his complying with the requisites of the act aforesaid, and your petitioner will pray, &c.

John Philip Stark."

"Jacob Hostler appearing in court, and being duly sworn, says, that the petitioner above named has resided within the state of Pennsylvania five years and upwards; and during that time, he has 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.

"Sworn and subscribed in open court, the 21st of May 1804. Jacob Hostler."

Charles W. Hartley."

(*a*) March 8th, 1813. Absent, Washington, Todd and Duvall, Justices.

[1] See Spratt *v.* Spratt, 4 Pet. 393; Mutual Benefit Life Ins. Co. *v.* Tisdale, 91 U. S. 245, Hunt, J.

"John Philip Stark, the above petitioner, appearing in open court, and being duly sworn, doth declare, 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 Christein, the prince of Wetgenstein Berleburg, in the empire of Germany. JOHN PHILIP STARK."

"Sworn and subscribed in open court,
the 21st of May 1804.
CHARLES W. HARTLEY.'

"Whereupon, the court admitted the said John Philip Stark to become a citizen of the said United States, agreeably to the prayer of his said petition, and ordered all the proceedings aforesaid to be recorded by the clerk of the said court."

The plaintiff also proved, by parol evidence, that he, being a free white person, did reside within the limits and under the jurisdiction of the United States, to wit, in the state of Pennsylvania, at some time between the 18th day of June 1798, and the 14th day of April 1802, *viz., on the 1st day of October 1798, and there continued to reside, from that time until the 21st of May 1804. [*422

Whereupon, the court, at the prayer of the defendants, by their counsel, directed the jury, that the plaintiff had failed in proving the property insured under the policy, to be American property according to the warranty, and therefore, was not entitled to recover. To which instruction, the plaintiff took a bill of exception.

The act of congress of the 14th of April 1802 (2 U. S. Stat. 153), "to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," requires, that the applicant should have made a previous declaration, before some court of record, of his intention to become a citizen, &c., three years before his admission; and that the court admitting such alien shall be satisfied, that he has resided in the United States five years at least, and within the state or territory where such court is at the time held, one year at least.

The act of 26th March 1804 (2 U. S. Stat. 292), dispenses with the previous declaration of intention, &c., as to such aliens, "being free white persons, as were residing within the limits, and under the jurisdiction of the United States, at any time between the 18th day of June 1798, and the 14th day of April 1802, and who have continued to reside within the same."

The objection made by the defendants' counsel to the record of naturalization of the plaintiff was, that it did not appear by the record, that the plaintiff had made a previous declaration of his intention to become a citizen, agreeable to the first provision of the act of 14th April 1802; nor that he was residing within the limits and under the jurisdiction of the United States, at any time between the 18th of June 1798, and the 14th of April 1802, and continued to reside therein, so as to be entitled to the benefit of the act of the 26th of March 1804. It was contended also, that parol evidence of these facts ought not now to be admitted, in aid of the record.

On the part of the plaintiff, it was contended: *1. That the decision of the court of common pleas for the county of York was con- [*423

clusive. That court had power and authority to admit aliens to the right of citizenship; and having admitted the plaintiff, the grounds of their decision cannot now be inquired into, nor the correctness of their judgment questioned. 2. That if the record of admission be not conclusive, yet it was competent for the plaintiff to prove now, by parol evidence, the facts which did, at the time he was admitted, entitle him to the benefit of the act of the 26th of March 1804.

Harper, for the plaintiff in error, and *Martin*, for the defendant in error, submitted the question arising in this case, without argument, to THE COURT, who, without giving a more particular opinion, pronounced the following judgment:—

This cause came on to be heard, on the transcript of the record, and was argued by counsel, on consideration whereof, this court is of opinion, that the circuit court erred, in directing the jury, that the plaintiff had failed in proving the property, insured under the policy, to be American property. It is, therefore, considered by the court, that the judgment of the circuit court be reversed and annulled, and the cause remanded to that court, to be further proceeded in according to law.

Judgment reversed.

The FORTITUDE. (*a*)

WILLIAM WILLIAMS and others, appellants, *v.* GEORGE ARMROYD and others, appellees.

Sentence of foreign tribunal.—Milan decree.

The sentence of a foreign tribunal, condemning neutral property, under an edict, unjust in itself, contrary to the law of nations, and in violation of neutral rights, and which has been so declared by the legislative and executive departments of the government of the United States, changes the property of the thing condemned.[1]

A sale by the authority of the captors, before sentence of condemnation, is affirmed by such sentence, and is good *ab initio*.[2]

A French tribunal, at Guadaloupe, had jurisdiction of property seized on the high seas, for breach of the Milan decree, and carried into the Dutch part of the island of St. Martins, and there sold by order of the Dutch governor of St. Martins, before condemnation, without any authority from the French tribunal at Guadaloupe.

The American owner cannot reclaim, in the courts of this country, his property which has been seized and condemned in a French court under the Milan decree.

THIS was an appeal from the sentence of the Circuit Court for the district of Pennsylvania, which dismissed the libel with costs.

*424] *The libel stated, that the schooner Fortitude, owned by Williams and others, citizens of the United States, having taken in a cargo of molasses, at Martinico, sailed, on the 20th of August 1809, for New London. That on the next day, she was piratically seized on the high seas by an armed schooner, showing no colors, but asserted to be from Guadaloupe, and carried into St. Martin's, where the master's papers were taken from him, and the vessel and cargo detained, as it was asserted, to await the event

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(*a*) February 25th, 1813. Absent, TODD, Justice.

[1] See Ex parte Watkins, 3 Pet. 206–7. [2] Jecker *v.* Montgomery, 13 How. 499, 517.