

alien-enemies have no rights, no privileges, unless by the king's special favour, during the time of war.

WHEN I say, that an alien is one who is born out of the king's dominions, or allegiance, this also must be understood with some restrictions. The common law indeed stood absolutely so; with only a very few exceptions: so that a particular act of parliament became necessary after the restoration<sup>y</sup>, for the naturalization of children of his majesty's English subjects, born in foreign countries during the late troubles. And this maxim of the law proceeded upon a general principle, that every man owes natural allegiance where he is born, and cannot owe two such allegiances, or serve two masters, at once. Yet the children of the king's embassadors born abroad were always held to be natural subjects<sup>z</sup>: for as the father, though in a foreign country, owes not even a local allegiance to the prince to whom he is sent; so, with regard to the son also, he was held (by a kind of *postliminium*) to be born under the king of England's allegiance, represented by his father, the ambassador. To encourage also foreign commerce, it was enacted by statute 25 Edw. III. st. 2. that all children born abroad, provided *both* their parents were at the time of the birth in allegiance to the king, and the mother had passed the seas by her husband's consent, might inherit as if born in England: and accordingly it hath been so adjudged in behalf of merchants<sup>a</sup>. But by several more modern statutes<sup>b</sup> these restrictions are still farther taken off: so that all children, born out of the king's ligeance, whose *fathers* were natural-born subjects, are now natural-born subjects themselves, to all intents and purposes, without any exception; unless their said fathers were attainted, or banished beyond sea, for high treason; or were then in the service of a prince at enmity with Great Britain.

THE children of aliens, born here in England, are, generally speaking, natural-born subjects, and entitled to all the privileges

<sup>y</sup> Stat. 29 Car. II. c. 6.

<sup>z</sup> 7 Rep. 18.

<sup>a</sup> Cro. Car. 601. Mar. 91. Jenk. Cent. 3.

<sup>b</sup> 7 Ann. c. 5. and 4 Geo. II. c. 21.