

§ 1502. Previously acquired lands; bona fide resident aliens; mining or incorporated village lands

This chapter shall not apply to land owned in any of the Territories of the United States by aliens, which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States. If any such resident alien shall cease to be a bona fide resident of the United States then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This chapter shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

(Mar. 3, 1887, ch. 340, § 2, 24 Stat. 477; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 72 of Title 8, Aliens and Nationality.

§ 1503. Acquisition by inheritance, in collection of debts, etc.

This chapter shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter made and secured. All lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as provided in sections 1504 to 1507 of this title.

(Mar. 3, 1887, ch. 340, § 3, 24 Stat. 477; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 73 of Title 8, Aliens and Nationality.

§ 1504. Conveyance of lands in Territories by aliens before escheat proceedings

Any alien who shall hold lands in any of the Territories of the United States in contravention of the provisions of this chapter may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided. If any such conveyance

shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this chapter, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.

(Mar. 3, 1887, ch. 340, § 4, 24 Stat. 477; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 74 of Title 8, Aliens and Nationality.

§ 1505. Proceedings for escheat of improperly held lands

It shall be the duty of the Attorney General of the United States, when he shall be informed or have reason to believe that lands in any of the Territories of the United States are being held contrary to the provisions of this chapter, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States. Before any such suit is instituted the Attorney General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice cannot be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county.

(Mar. 3, 1887, ch. 340, § 5, as added Mar. 2, 1897, ch. 363, 29 Stat. 619.)

CODIFICATION

Section was formerly classified to section 75 of Title 8, Aliens and Nationality.

§ 1506. Condemnation and sale of lands in escheat proceedings

If it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this chapter, the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory. The defendant in any such escheat proceedings may, at

any time before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this chapter, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

(Mar. 3, 1887, ch. 340, § 6, as added Mar. 2, 1897, ch. 363, 29 Stat. 619.)

CODIFICATION

Section was formerly classified to section 76 of Title 8, Aliens and Nationality.

§ 1507. Public lands

This chapter shall not in any manner be construed to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States.

(Mar. 3, 1887, ch. 340, § 7, as added Mar. 2, 1897, ch. 363, 29 Stat. 619; amended Feb. 23, 1905, ch. 733, § 1, 33 Stat. 733.)

CODIFICATION

Act Feb. 23, 1905, set out as section 1508 of this title, made sections 1501 to 1507 of this title applicable to the District of Columbia, on the basis of which certain provisions of this section were omitted.

Section was formerly classified to section 77 of Title 8, Aliens and Nationality.

§ 1508. Application to District of Columbia

Aliens shall have the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred upon aliens in respect of real estate in the Territories of the United States by this chapter.

(Feb. 23, 1905, ch. 733, § 1, 33 Stat. 733.)

CODIFICATION

Section was formerly classified to section 78 of Title 8, Aliens and Nationality.

Section was not enacted as part of act Mar. 3, 1887, ch. 340, 24 Stat. 476, which comprises this chapter.

REPEALS

Act Feb. 23, 1905, ch. 733, § 2, 33 Stat. 733, repealed all laws and parts of laws so far as they conflict with the provisions of this section.

§§ 1509 to 1512. Omitted

CODIFICATION

Sections 1509 to 1512, relating to Territory of Hawaii, were omitted in view of the admission of Hawaii into the Union. Sections were formerly classified to sections 83 to 86 of Title 8, Aliens and Nationality.

Section 1509, acts Apr. 30, 1900, ch. 339, § 73(f), 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117, set out requirements for aliens who would be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement in public lands in Hawaii. Section was also classified to section 667 of this title.

Section 1510, acts Apr. 30, 1900, ch. 339, § 73(g), 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117, restricted conveyance or other transfer of public lands in Hawaii to aliens. Section was also classified to section 668 of this title.

Section 1511, acts Apr. 30, 1900, ch. 338, § 73(j), 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 306, 42 Stat. 118, gave commissioner, with approval of governor, the right to give preferences in purchasing of public lands. Section was also classified to section 671 of this title.

Section 1512, acts Apr. 30, 1900, ch. 339, § 73(l), 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 308, 42 Stat. 118, authorized sale of agricultural land in Hawaii for residential purposes to persons declaring intention to become citizens. Section was also classified to section 673 of this title.

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