

Naturalization Law. Lieu Declaration of Certificates, Issuance Of.

Where a declaration of intention or certificate of naturalization heretofore issued to an individual has been lost or destroyed, in order to obtain such papers in lieu thereof, the applicant must first present to the clerk of the court which issued such papers, a full and complete written statement of the facts under oath, and such lieu papers cannot be by the clerk issued until they have been investigated and reported upon by the Bureau of Immigration and Naturalization.

Helena, Montana, October 9th, 1906.

S. V. Stewart, Esq., County Attorney, Virginia City, Montana.

Dear Sir:—I am in receipt of your favor of the 5th inst., asking opinion of my office concerning the construction to be placed upon Par. 16 of Circular No 126, issued by the Bureau of Immigration and Naturalization for the purpose of bringing about a uniform operation of the new National Naturalization Act of June 29, 1906.

Your request deals particularly with the procedure necessary for an applicant to obtain from the clerk of the district court a certified copy of final citizenship papers where the originals are lost or destroyed. It seems to me very clear, after consideration of the Act of Congress upon the subject (Act of June 29, 1906), and of the regulations of the Secretary of the Bureau of Immigration and Naturalization, contained in said Circular No. 126, that when declarations of intention to become citizens or certificates of naturalization have been lost or destroyed, before the clerk can issue lieu certificates of this character, the applicant must make "under oath to the clerk of the court by which any such declarations of intention or certificate of naturalization were originally issued", a full and complete written statement which "shall contain full information in regard to the lost or destroyed papers * * * * as to the time, place and circumstances of such alleged loss or destruction", which statement must be by the clerk forwarded to the Bureau of Immigration and Naturalization, together with such information as the clerk may have bearing upon the merits of such application, for investigation by said Bureau, and that no such declaration or certificate in lieu of these claimed to be lost or destroyed shall be by the Clerk issued until the said Bureau has in-

vestigated the merits of the application and reported the same to such clerk with approval. This may work hardship but it seems to be the present law covering the subject.

Yours very truly,

ALBERT J. GALEN,

Attorney General.