

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all aliens may take, by deed, will or otherwise, lands and tenements and any interest therein, and alienate, sell, assign and transmit the same to their heirs, or any other persons, whether such heirs or other persons be citizens of the United States or not, in the same manner as natural born citizens of the United States or of this state might do; and upon the decease of any person having title to, or interest in any lands or tenements, such lands and tenements shall pass and descend in the same manner as if such alien were a citizen of the United States, and it shall be no objection to any person having an interest in such estate that they are not citizens of the United States, but all such persons shall have the same rights and remedies, and in all things be placed upon the same footing, as natural born citizens and actual residents of the United States.

§ 2. The personal estate of an alien, dying intestate, shall be distributed in the same manner as the estates of natural born citizens, and all persons interested in such estate shall be entitled to proper distributive shares thereof, under the laws of this state, whether they are aliens or not.

§ 3. This act to be in force from and after its passage.

APPROVED February 17, 1851.

Aliens to have the same rights as citizens, in relation to the devise and inheritance of real estate.

Personal estate of intestate aliens to be distributed according to the rules applicable in the case of citizens.

all equities, and all questions of priority, between all parties interested therein, and may also investigate and determine all questions of conflicting or controverted titles arising between any of the parties to such proceeding, and may remove clouds from the title to any real estate sought to be sold and invest purchasers with a good and indefeasible title to the premises sold. The court may, with the assent of any mortgagee of the whole or any part of such real estate, whose debt is not due, sell such real estate disincumbered of such mortgage, and provide for the payment of such mortgage out of the proceeds of such sale; and may also, with the assent of the person entitled to an estate in dower, or by the courtesy, or for life or for years or of homestead to the whole or in part of the premises, who is a party to the suit, sell such real estate with the rest. But such assent shall be in writing and signed by such person and filed in the court wherein the said proceedings are pending. When any such estate is sold the value thereof shall be ascertained and paid over in gross, or the proper proportion of the funds invested, and the income paid over to the party entitled thereto during the continuance of the estate."

APPROVED June 15, 1887.

## ALIENS.

## LANDLORDS INCLUDING TAXES IN LEASES.

§ 1. Leases shall not contain provision requiring tenants to pay taxes.

AN ACT to prevent alien landlords from including the payment of taxes in the rent of farm lands as a part of the rental thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no contract, agreement or lease in writing or by parol by which any lands or tenements therein are devised or leased by any alien or his agents for the purpose of farming, cultivation or the raising of crops thereon, shall contain any provision requiring the tenant, or other person for him to pay taxes on said lands or tenements, or any part thereof, and all such provisions, agreements and leases so made are declared void as to the taxes aforesaid. If any alien landlord or his agent shall receive in advance, or at any other time, any sum of money or article of value from any tenant in lieu of such taxes, directly or indirectly, the same may be recovered back by such tenant before any court having jurisdiction of the amount thereof, and all provisions or agreements in writing, or otherwise, to pay such taxes shall be held in all courts of this State to be void.

APPROVED June 16, 1887.

## RIGHT TO HOLD REAL ESTATE RESTRICTED.

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| <ol style="list-style-type: none"> <li>1. Non-resident aliens prohibited from acquiring title to real estate; lands now held or acquired to be descent of minor resident aliens; lands escheat to the State.</li> <li>2. Personal estate of aliens.</li> <li>3. Resident aliens who declare their intention to become citizens.</li> <li>4. Aliens who declare intention to become citizens and who do not become naturalized within six years, forfeit their lands; proceedings.</li> </ol> | <ol style="list-style-type: none"> <li>5. Special commissioners shall give bond.</li> <li>6. Possession given under judgment.</li> <li>7. Rights of parties not made defendant.</li> <li>8. Non-resident aliens may dispose of real estate.</li> <li>9. Liens upon real estate held by aliens.</li> <li>10. Repeals all acts in conflict.</li> </ol> |
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AN ACT in regard to aliens and to restrict their right to acquire and hold real and personal estate, and to provide for the disposition of the lands now owned by non-resident aliens.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a non-resident alien, firm of aliens, or corporation incorporated under the laws of any foreign country, shall not be capable of acquiring title to or taking or holding any lands or real estate in this State by descent, devise, purchase or otherwise, except that the heirs of aliens who have heretofore acquired lands in this State under the laws thereof, and the heirs of aliens who may acquire lands under the provisions of this act, may take such lands by devise or descent and hold the same for the space of three years and no longer, if such alien at the time of so acquiring such lands is of the age of twenty-one years, and if not twenty-one years of age, then for the term of five years from the time of so acquiring such lands, and if, at the end of the time herein limited, such lands so acquired by such alien heirs have not been sold to bona fide purchasers for value, or such alien heirs have not become actual residents of this State, the same shall revert and escheat to the State of Illinois the same as the lands of other aliens under the provisions of this act: *Provided,* that minor aliens actually residing in the United States may acquire title to lands in this State by purchase, and hold the same for a term of six years after they might, under the naturalization laws of the United States, have declared their intentions to become citizens of the United States, and if, at the expiration of said term of six years, said aliens have not become citizens of the United States, the lands so acquired by them by purchase shall revert and escheat to the State, under the provisions of this act; and it shall be the duty of the State's attorney of the county in which said lands are situated to enforce forfeitures of all lands mentioned in this section in the same manner as pointed out in this act for other forfeitures.

§ 2. All aliens may acquire and hold personal property in the same manner and to the same extent as natural born citizens of the United States, and the personal estate of an alien dying intestate shall be distributed in the same manner as the estates of natural born citizens, and all persons interested in such estate shall be entitled to proper distributive shares thereof under the laws of this State, whether they are aliens or not.

§ 3. Any alien resident of the United States who shall declare his intention of becoming a citizen of the United States in accordance with the naturalization laws thereof, and every alien female who shall, in good faith, become an actual resident of the United States, shall thereupon be authorized and enabled to take and hold lands and real estate of any kind whatsoever to him or her and his or her heirs and assigns forever, and may, during six years thereafter, sell, assign, mortgage, devise and dispose of the same in any manner as he or she might or could do if he or she were a natural born citizen of the United States: *Provided*, that in case of an alien male, he shall at the time of acquiring such lands cause to be recorded in the office of the recorder of deeds of the county in which such lands are situated, a certified copy of his said declaration of intention to become such citizen; and in case of an alien female, her affidavit of the fact that she is, in good faith, an actual resident of the United States shall be so filed; but no such alien, unless he or she be an actual resident of this State, shall have power to lease or devise any real estate which he or she may take or hold by virtue of this provision.

§ 4. If any alien who has declared his intention of becoming a citizen shall not become a naturalized citizen of the United States within six years after the declaration of his intention, and be living, shall not have sold said real estate to purchasers thereof for value, and in good faith, such real estate acquired by him under the authority of this act, shall revert to, escheat, and become the property of the State of Illinois, and it shall then be the duty of the State's Attorney of the county in which said lands are situated, to proceed by information, in the name of the people of the State of Illinois, against such alien in the circuit court of such county, and summons may issue or service be had upon such alien by publication in the same manner as in chancery cases, and such court shall have jurisdiction to hear and determine such information and to order the sale of such lands by a special commissioner, to be appointed by the court at such time and place and upon such conditions and terms as the court may direct, and the court shall tax as costs such fees for the State's attorney as shall be reasonable, and allow to such special commissioner the same fees as are allowed by law to masters in chancery for the sale of lands under decree of foreclosure; and all fees and costs are to be taken out of the proceeds of the sale of such real estate.

§ 5. The special commissioner shall give bond for the performance of his duty, with security, to be approved by the court, and after the approval by the court of the sale of such real estate, shall deposit all money and securities, arising from such sale, with the State Treasurer, and it shall be the duty of the State Treasurer to collect the money due, or to become due, upon such securities: *Provided*, all securities for unpaid balances of the purchase money of such lands shall be made payable to the people of the State of Illinois.

§ 6. All persons, defendant in said information, and in possession of such lands at the time of the rendition of judgment of sale,

shall, on or before the first day of March next, after the rendition of said judgment, deliver possession of said lands to the special commissioner herein provided for.

§ 7. Within ten years after judgment, in any proceeding had under this title, a person, not a party or privy to such proceeding, may file a petition before the Commission of Claims, if there be such commission, and if not, then in the circuit court of Sangamon county, showing his claim or right to the property, or the proceeds thereof. A copy of such petition shall be served on the Attorney General, at least twenty days before the hearing of the petition, who shall answer the same, and the Commission of Claims or said circuit court shall thereupon try the issue according to the rules of practice of such commission or court, and if it be determined that such person is entitled to the property or the proceeds thereof, the property, if it has not been sold, shall be returned and delivered to him, or if it has been sold and the proceeds thereof paid into the State Treasury, then the State shall repay to the petitioner such proceeds in the manner provided by law, but without interest or cost to the State. All persons who fail to appear and file their petitions within the time limited, are forever barred, saving, however, to infants and persons of unsound mind, or persons beyond the limits of the United States, the right to appear and file their petitions at any time within five years after their respective disabilities cease or have been removed.

§ 8. Any alien, non-resident of the United States, who owns land in this State at the time this act takes effect, shall have the right and power to dispose of the same during his lifetime to *bona fide* purchasers for value, and to take security for the purchase money, with the same right as to such securities as a citizen of the United States, except that if he or his non-resident heirs again obtain title to the said lands on any sale thereof made by virtue of any judgment or decree of any court of law or equity, rendered in order to enforce the payment of any part of such purchase money, he, or his said non-resident heirs, shall only hold the title to said land for three years after obtaining the same; and if said lands so acquired are not sold in good faith to *bona fide* purchasers for value within said time, then the said lands shall be forfeited to and escheat to the people of the State of Illinois, in the same manner as provided in this act.

§ 9. Nothing herein contained shall prevent the holder of any lien upon or interest in real estate heretofore acquired from holding or taking a valid title to the real estate in which he has such interest or upon which he has such lien, or prevent any alien from enforcing any lien or judgment for any debt or liability which may hereafter be created, or which he may hereafter acquire, or which may hereafter be adjudged in his favor, or from becoming a purchaser at any sale by virtue of such lien or judgment: *Provided*, however, that all lands so acquired shall be sold within three years after title shall be perfected in him under such sale, or, in default thereof, that the same shall escheat as provided in this act.