

Upon the same general and fundamental principles of a duty to itself, the State is bound to protect the property as well as the persons of all who abide, or suffer their property to remain within its domain. An alien friend may purchase and hold chattels, real, and all kinds of personal property; and may freely transfer to any place beyond the jurisdiction of the State, his movables, subject however in general to such export duty as the State may think proper to impose; and also subject, in cases of public expediency, or on his becoming an alien enemy, to a total prohibition of removing any of his property out of the State, so as thereby to weaken it and strengthen its antagonist. This permission of removal of personal property is, however granted with a view to the encouragement of commerce and the aggrandizement of the State; and therefore, the exceptions to the rule, as well as the rule itself, are derived from the same source, that of a duty which the State owes to itself, as a whole; and as one which it owes to each of its citizens in the protection of his interests by the general operation of its laws. The free exportation of movables, which, in almost all nations, has been treated as a kind of general license, which may be withheld altogether; or subjected to the control of a heavy tax, may, in the United States, in time of peace, be considered as an almost unqualified right, since the Federal Constitution has declared, that no tax or duty shall be laid on articles exported from any State. Const. U. S. Art. 1, s. 9, cl. 5. But this constitutional restriction relates to commercial regulations only, and to taxes which might have been so imposed for the purpose of raising revenue for the benefit of the whole State. It cannot affect the right to detain and prevent the exportation of any such property for the special benefit of any citizens of the State, and as a means of enabling him to obtain satisfaction of a debt * *dae* **494** to him from its owner. And therefore, even although the exportation of such property may be regarded here as an absolute right, yet the authority of a citizen creditor to seize it by a judicial proceeding, and have its exportation totally prevented by a sale for the satisfaction of his claim, is no more than the exercise of an authority for his benefit which the State owes him as a duty. Hence it is, that by our attachment Act and practice, and by some similar judicial proceeding in all other countries, a citizen creditor may obtain satisfaction of his claim from the property of his foreign or absent debtor found within the jurisdiction of the State. 1715, ch. 40; 1795, ch. 56; 1825, ch. 114; *Burk v. McClain*, 1 H. & McH. 236; *Shivers v. Wilson*, 5 H. & J. 130; *Barney v. Patterson*, 6 H. & J. 182; *Willis v. Pearce*, 6 H. & J. 191, note; *Mandeville v. Jarrett*, 6 H. & J. 497; *Taylor v. Phelps*, 1 H. & G. 493; *Manro v. Almeida*, 10 Wheat. 473; *Douglas v. Forrest*, 15 Com. Law Rep. 120; *Chase v. Mankardt*, 1 Bland, 344.