

explained. Whence, it is clear, that, under the law of nations, the free removal of persons and of property, from one State to another, can only be restrained, upon the ground of a duty of the State to itself, or to its own citizens; and that, apart from those restrictions, no infant or adult can be in any way hindered or embarrassed in withdrawing his property from any other State into that of which he is a resident citizen, or within which he has his domicile.

It is universally admitted, that immovable property of all descriptions, must be regulated by the law of the State within which it is situated. But a foreigner, or a non-resident, who may be permitted to hold such property, must, as a necessary consequence of that permission, be allowed to collect and have remitted to him, its rents and profits. A living adult owner may, by a sufficiently authenticated power, cause the rents and profits of his real estate, or the whole of his personal estate to be transmitted to him any where beyond the jurisdiction of the State. And by a comity, now prevalent among all civilized nations, founded on this concession to living owners, qualified by a proper regard to itself and its citizens, an administration granted under the law of the deceased's domicile, is so far recognized by every other nation as to be considered as the administration in chief, to which the administration taken out in the State where the property is found, is only auxiliary; and to which administration in chief, the surplus must be handed over for the purpose of distribution. And so, too, marriage, if valid where solemnized, being recognized as valid every where, vests in the husband full authority to cause his wife's personal property to be transferred to any place he may think proper.

An infant is incompetent, by reason of his infancy, to clothe any one with a power to dispose of his property; and yet his right to have it removed, during his infancy, is as perfect; and the benefit of removal may be, and often is, much greater to him than to an adult owner. Hence, it is laid down, that it belongs to the domestic Judge to appoint a guardian to an infant; and that the law of nations, which has an eye to the common advantage and the harmony of States, requires the appointment of such a guardian to be recognized as valid in all other countries in which the infant * may have any concerns. *Vattel*, b. 2, c. 7, s. 85; *Kames' Pri. Eq. b. 3, c. 8 s. 1*; *Ex parte Otto Lewis*, 1 *Ves.* 297. An **506** administration granted abroad, and the assignees or trustees appointed under the bankrupt or insolvent laws of another State, are not allowed to have any authority here, in order that the interests of the State and of its citizens, may be protected. But no such reason can exist for refusing to recognize the appointment of a guardian of a foreign infant, made under the laws of the State to which he belongs. An infant being incompetent to contract, or to