

sumed here, that the Chancellor is that judicial officer by whom the state discharges its duties in the care of its infants and lunatics in all cases where the care of them has not been otherwise specially and expressly provided for; (*j*) as by the jurisdiction conferred on the Orphans Courts; (*k*) or upon the trustees of the poor; (*l*) or by the establishment of alms houses, (*m*) hospitals, (*n*) and the like.

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 moveables, 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 moveables, which, in almost all nations, has been treated as a kind of general licence, 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. (*o*) 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 citizen of the state, and as a means of enabling him to obtain satisfaction of a debt

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(*j*) *Wellesley v. Beaufort*, 3 Cond. Cha. Rep. 10; *Ex parte Francis Lee*, a lunatic, 7 June, 1718; Chancery Proceedings, lib. P. L. fol. 469.—(*k*) 1798, ch. 101, sub ch. 12; Bac. Abr. tit. Customs of London, B.—(*l*) 1798, ch. 45; Lunatic Petitions, 2 Atk. 52; 1 Collin. Idiots, 604.—(*m*) 1768, ch. 29, &c.—(*n*) 1797, ch. 102, &c.—(*o*) Const. U. S. art. 1, s. 9, cl. 5.