

to do so, in order to hold the property of the intestate within reach, as a means of satisfying his English creditors and next of kin; or if there were no creditors, or next of kin, as a means of securing it for the benefit of the state to whom, in such case, it properly belonged. (*f*)

But latterly, in England as well as in this country, a more enlarged and just view has been taken of this matter; and it has been held, that as the state must have a right to regulate that which it protects, and is bound in duty to see its own citizens satisfied before it suffers the property of their debtor to be withdrawn from its jurisdiction, no foreign administration shall be recognized here. And that the administration of all deceased persons' estates must be taken out here by a citizen of the United States, (*g*) in order that there may be some person here responsible to our own citizen creditors, legatees, and distributees of the deceased, to the full value of his effects found here; and also, that after the debts have been paid, if there be no next of kin, that the surplus be paid to the state, or to the public schools here, to whom, in such cases, it properly belongs; or according to the law of the deceased's last domicil. (*h*)

It having been universally admitted, not indeed as a binding rule of international law, but as a matter of general comity among civilized nations, that personal property follows the domicil of its owner; and that the succession to it must be regulated, on his death intestate, by the law of that domicil; and as the administration of such property looks, in the first place, to the payment of all the debts of the deceased, and then to a distribution among those entitled to succeed to it, according to the law of the deceased's domicil, it most commonly happens, that none but an administration under that law can, with facility, if at all, embrace both those objects. Consequently, the administration of the deceased's domicil is, every where, regarded as *the administration in*

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(*f*) Daniel v. Luker, Dyer, 305; Jauncey v. Sealey, 1 Vern. 397; Tourton v. Flower, 3 P. Will. 370; Atkins v. Smith, 2 Atk. 63; Thorne v. Watkins, 2 Ves. 36.—(*g*) 1798, ch. 101, sub ch. 4 and 5.—(*h*) Bempde v. Johnstone, 3 Ves. 198; Somerville v. Lord Somerville, 5 Ves. 750; In the Goods of Beggia, 2 Eccle. Rep. 126; Holmes v. Remsen, 20 John. Rep. 265; Græme v. Harris, 1 Dall. 456; McCullough v. Young, 1 Bin. 63; Desesbats v. Berquier, 1 Bin. 336, 349, note; Anonymous, 1 Hayw. 355; Admr. of Butts v. Price, 1 Cam. & Norw. 68; Harrison v. Sterry, 5 Cran. 289; Smith v. The Union Bank of Georgetown; 5 Peters, 518; Glenn v. Smith, 2 G. & J. 493; Charlotte Hall School v. Greenwell, 4 G. & J. 408; Thomas v. Visitors of Frederick County School, 7 G. & J. 370.