

279 thought to preclude its adoption by the Courts. It has also, as has been seen, been opposed by very high authority in the Cabinet and in Congress."

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He refers to the common law maxim "that no one may throw off his country, or abjure his allegiance." "This rule," says he, "founded on the feudal relation of lord and vassal, stamps upon any one born within the British kingdom so indelibly the character of a British subject, that no act on his part can relieve him from its consequent duties."

280 *This doctrine he considers to be adopted in this country !* although he admits that the publicists in general speak of the right to leave the State at pleasure as a natural right. "That the King of England refused to permit the naturalization of aliens in the Colonies, was one of the causes of complaint enumerated in the Declaration of Independance Before the adoption of the Constitution, two States, Pennsylvania and Virginia, had provisions in their Constitution, and laws in favor of the right of emigration. These provisions were considered as destroying the common law rule. *Murray vs. McCarthy*, 2 *Munford*, 393 ; *Jobson vs. Burns*.  
281 3 *Binney*, 83."

Mr. Wharton, after referring to the opinion of the Supreme Court of the United States, in *Shanks vs. Dupont*, 3 *Peters*, 242, and in *Inglis vs. Trustees of Sailors Snug Harbour*, *ib.* 99, says : "However distasteful it may have been in a political point of view, we are bound therefore now to hold that allegiance does not shift at will, but is a contract dissoluble only by consent. Nor is it to be disguised that the repugnance with which this view was visited in the earlier stages of the Republic, when the country was composed of nothing else than aliens naturalized or revolutionized, is now yielding to a more imperial policy."

282 In *Shanks v. Dupont*, 3 *Peters*, 246, Story, J., delivering the opinion of a majority of the court, incidentally observed that, "The general doctrine is that no person, can by any act of their own, without the consent of the government, put off their allegiance and become aliens." This case was decided in the year 1830. The question involved was whether the heirs of a British subject who owned lands