

in South Carolina in 1794, were entitled to the same by virtue of the treaty with Great Britain. 283

The Court of Appeals in Kentucky, in *Alsberry v. Hawkins*, 9 *Dana's Rep.*, 178, held (in the year 1839) that, "if there be no statute regulation on the subject, a citizen may in good faith abjure his country, and that the *assent* of the government was to be *presumed*, and he be deemed denationalized." 2 *Kent's Com.*, 49, *note b*.

Most writers on public law affirm the right even of a subject to abandon his native country.

*Burlamaqui*, *ch. 5, s. 13*: "It is a right natural to all free people that every one should have the liberty of removing out of the Commonwealth if he thinks proper." 84  
He adds that, "in general, a man ought not to quit his native country without the permission of his sovereign. But his sovereign ought not to refuse it him without very important reasons."

*Vattel*, *B. 1, ch. 19, s. 220*: "Every man has a right to quit his country in order to settle in any other, when by that step he does not endanger the welfare of his country."

In a note to the 7th American edition, the editor says: "Our laws require the services of naturalized citizens in time of war, even if the enemy should be their native State; and our government has always resisted all attempts by such State to punish them as traitors." 285

*Grotius*, *Book 2, ch. 5, s. 24*, lays down a doctrine similar to that of *Vattel*.

And so *Puffendorf*, *Book 8, c. 11, s. 2, 3, 4*.

And see *Martens*, *B. 3, ch. 3, sec. 6*.

The Romans forced no person to continue under their government, and *Cicero* highly commends this; calling it the surest foundation of liberty, *Orat. pro L. C. Balbo*, *ch. 13*. 286

The publicists quoted above do not, however, mean to assert that the natural right referred to is not subject to the control of municipal law, but only that in the absence of any prohibition in the latter, the subject has a right to leave his country. See on this point *Bynk. chap. 22*. *Bowyer*, in his *Treatise on Universal Public Law*, p. 273, says: "The power of emigrating and throwing off citizen-