

livered up and cancelled; or in specific performance of a contract for land in another State, such a conveyance may be ordered as shall be sufficient according to the law of the State were it lies. But the Court will not decree a partition of such land, or in any manner directly decide upon the title to it, or upon the validity of a deed or will as a material part of the title; nor found the relief granted upon the strict title to such property itself. *Cartwright v. Pettus*, 2 Ca. Chan. 214; *Arglasse v. Muschamp*, 1 Vern. 75; *Kildare v. Eustace*, 1 Vern. 419; *Toller v. Carteret*, 2 Vern. 494; *Fryer v. Bernard*, 2 P. Will. 261; *Derby v. Athol*, 1 Ves. 203; *Penn v. Lord Baltimore*, 1 Ves. 444; *Roberdeau v. Rous*, 1 Atk. 544; *Foster v. Vassall*, 3 Atk. 589; *Ex parte Marchioness of Annandale*, Amb. 80; *Pike v. Hoare*, Amb. 428; *S. C. 2 Eden*, 182; *Cranstown v. Johnston*, 3 Ves. 170; *In the matter of the Duchess of Chandois*, 1 Scho. and Lefr. 301; *Lord Clive's Jaghire*, 1 Coll. Jurid. 181; *Massie v. Watts*, 6 Cran. 158; *Guerrant v. Fowler*, 1 Hen. and Mun. 4.

The whole estate of The Chesapeake and Ohio Canal Company, at least so far as it consists of the canal itself, and its necessary buildings, and the fixtures attached to them, must, according to the common law, be regarded as realty; *Co. Litt.* 19, 6; *Dry-butter v. Bartholomew*, 2 P. Will. 127; *Buckeridge v. Ingram*, 2 Ves. Jun. 652; *Kam. on Assets*, 184; and it was so considered \* by the original Act of incorporation; but by a subsequent **146** enactment, it has been declared, that it should be deemed personal property. 1827, ch. 61. The right to land is, and necessarily must, be regulated by the law of the government under which it is situated. Mere movables are generally allowed, by the comity of nations, to be disposed of according to the law of the place of the owner's domicile. 1 *Mad. Chan.* 626; *Kam. Pri. Eq. b. 3, c. 8, s. 3*; *Dixon v. Ramsay*, 3 Cran. 319; *De Sobry v. De Laistre*, 2 H. & J. 224. The reason why land must be governed by the law of the country where it lies, does not arise, in any manner, from our common law distinction between real and personal property; but, from the principles of international law, which regards land as a portion of the habitation of the nation; and which, from its fixed and immovable nature as such, must, of necessity, be absolutely and altogether regulated by the nation to whom it belongs. And therefore, a conveyance or will of land, a mortgage or a contract concerning such as canal stock must all be sued upon in Maryland, and the local nature of the thing requires them to be carried into execution here. *Vattel*, b. 2, s. 83; *Kam. Pri. Eq. b. 3, c. 8, s. 2*; *Lord Clive's Jaghire*, 1 Coll. Jun. 188; *Bligh v. Darnley*, 2 P. Will. 622; *Calvin's Case*, 7 Co. 36; *Robinson v. Bland*, 2 Burr. 1079; *The King v. The Dock Company of Hull*, 1 T. R., 219; *The Commonwealth v. Martin*, 5 Mun. 120; *Ex parte Horne*, 14 Com. Law Rep. 106. It would seem, however, that in a work of the kind now under consideration, if tolls are appointed to be gathered at a