

common law, as on an attachment in this Court. *Childrens v. Saxby*, 1 Vern. 207. I cannot make the defendant Gilbert Murdock pay the costs and take down the fence, because he is entirely innocent; and it would be highly unjust to throw the costs and the trouble of doing so upon the plaintiff William Brewer, because he is the party grieved. I shall, therefore, cast the whole upon these two trespassers.

Whereupon, it is ordered, that Gilbert Murdock be, and he is hereby, discharged with his costs. And it is further ordered, that the said William Murdock and Zachariah Johnson be, and they are hereby commanded and required, without delay, to take down and remove the fence erected by them, as stated in the proceedings, and to pay all the costs of this proceeding, to be taxed by the register, and to stand committed until the said costs are fully paid.

### CORRIE'S CASE.

CHANCERY JURISDICTION AS TO INFANTS AND LUNATICS.—CAPACITY TO CONTRACT.—SITUS OF REAL AND PERSONAL PROPERTY.—CONFLICT OF LAWS.

The jurisdiction of the Chancellor as to infants and lunatics.

In all cases where the jurisdiction of the ordinary tribunals falls short, the Chancellor may, on petition without suit, appoint a guardian to an infant; and provide for his education and maintenance, and the management of his estate.

But under a *habeas corpus*, the judicial authority extends no further than to the discharge of a citizen from illegal restraint.

The several kinds of personal incapacity to contract.

The State is bound to take care of all its own citizens; particularly infants, lunatics and paupers.

Every one is permitted to remove his property out of the State at pleasure.

The property of a debtor or deceased person, may be detained in the country where it is found, for the benefit of his creditors there residing, or of the State, in opposition to any foreign administration or bankrupt, or insolvent laws. (a)

Land is governed by the law of the country in which it is situated.

The succession to personal property, on intestacy, is regulated by the law of the deceased owner's last domicil. (b)

The contract of marriage, if valid where made, is, with few exceptions, valid everywhere; but the right to personal property, as a consequence thereof, is regulated by the domicil of husband and wife.

The appointment by \* the Chancellor of a guardian, to a citizen infant, resident here, should be recognized everywhere, so as to **489**

(a) See *Bank v. Sharp*, 53 Md. 528.

(b) See *Appeal Tax Court v. Patterson*, 50 Md. 371; *Freke v. Lord Carberry*, L. R. 16 Eq. 466.