

way they may have been authorized by the body politic, may be enjoined and prohibited. (*j*)

It is therefore conceived, that this resolution of *The Chesapeake and Ohio Canal Company*, by which these projected and in part executed works were directed to be made, is not such a final judgment of this body politic itself, as precludes this court from taking cognizance of the matter, and determining, whether the application of the funds, to defray the expense of such works is an expenditure for corporate purposes within the true meaning of the act of incorporation or not.

The next ground of defence is, that the extended works complained of, are altogether within the District of Columbia; the government of which, as regards this matter, being independent of, and alien to this republic, this court, therefore, can have no jurisdiction of the matter. It is said, indeed, that a judgment has in fact been pronounced by a legal and competent tribunal of the District of Columbia; but, that is of no importance, according to the broad ground taken by the defendants; for, if this court has no jurisdiction; because the matter belongs exclusively to the judicial authority of the government of the District of Columbia, then it follows, that this court is alike precluded, whether the tribunals of that government have already, or may hereafter adjudicate upon the subject.

So far, *The Chesapeake and Ohio Canal Company* has been considered as a body politic, deriving its corporate capacity altogether, and exclusively from the State of Maryland; as one of the artificial legal entities of this republic; and as standing fully and in every respect within the jurisdiction of this court. But here, an exemption from the jurisdiction of this state is claimed, on the ground, that it owes its existence to other governments as well as to this; and that its works do, in fact, compose a part of the territory belonging to those other governments, over which territory this court can exercise no authority whatever. It is believed, that this matter has never before been submitted to the consideration of any of the courts of this country; and yet it presents important ques-

---

(*j*) *Child v. Hudson's Bay Company*, 2 P. Well. 207; *Attorney-General v. The Governors of the Foundling Hospital*, 2 Ves. Jun. 43; *The Mayor and Commonalty of Colchester v. Lowten*, 1 Ves. & Bea. 226; *Gray v. Chaplin*, 1 Cond. Chan. Rep. 451; *Bromley v. Smith*, 2 Cond. Chan. Rep. 5; *Blain v. Agar*, 2 Cond. Chan. Rep. 19; *Hichens v. Congreve*, 3 Cond. Chan. Rep. 796; *The People v. The Utica Insurance Company*, 15 John. Rep. 358.