

tions, as to jurisdiction, which may, in the progress of things, frequently arise, since there have been many bodies politic created, like this, by the concurrent acts of several state governments with property lying, or extending beyond the jurisdiction of each one of its creators. In Maryland there have been several canal, bridge, and turnpike-road companies constituted in this manner. (*k*)

The legislative enactment of Maryland, by which *The Chesapeake and Ohio Canal Company* has been incorporated, distinctly authorizes, so far as it can give any such authority, the extension of its works beyond the confines of this state; and over territory belonging to other, and, in this respect, independent and unconnected governments. Each of which has communicated to it the same powers. *The Chesapeake and Ohio Canal Company* must, therefore, be regarded as a corporation, one and indivisible in its nature; yet as a body politic which stretches itself, in an unbroken line, under the separate jurisdictions of several governments; holding and occupying portions of the territory of each; and as an artificial being formed by an infusion of the spirit and power of all. According to this constitution of its existence, it has received its funds, makes all its expenditures, and must hold its estate. To ascertain whether, in point of fact, any of the disbursements of this body were for corporate purposes or not, it would seem to be proper to dismiss from the inquiry every consideration as to the different sources from which it deduced its existence; and simply to determine, whether the authority to make the expenditure was given by the act of incorporation or not; taking it to be a law of one single government only.

The question here presented, however, is not whether the expenditure is for corporate purposes or not; but one preliminary to that, which is, whether the determination of that question belongs exclusively, or to what extent, to the judicial authority of any one of the governments by which this single corporation has been erected?

No court of justice can act upon any controverted matter where both the person and the thing are beyond its reach; and every tribunal, not acting under the law of nations, has some local limits to its jurisdiction; indeed those which have been charged with the administration of justice, under our common law code, have a very special and peculiar reference and adaptation to the territorial divisions of the state. (*l*) But the jurisdiction of the High Court

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(*k*) 1799, ch. 16; 1809, ch. 64; 1813, ch. 126; 1815, ch. 33; 1818, ch. 73; 1829, ch. 42, 67.—(*l*) Kame's Prin. Eq. b. 3, c. 7.