

of Chancery over the matters of which it takes cognizance is co-extensive with the confines of the state itself. According to its original constitution, it could act upon the person only; but its powers have been, in many respects, so enlarged as to enable it to act also upon the subject in controversy; and it has been specially authorized to use the executive and coercive process of the common law. (m) Thus braced and armed it possesses powers and means to afford redress in almost every case, not exclusively belonging to the courts of common law, or in which they are so constituted as to be able to give adequate relief. Wherever a person is to be found within reach of the Court of Chancery, and he may, in any respect, be considered as a trustee, or the matter in dispute arises out of a transitory personal contract, not necessarily involving the title to, and following land; and which the party may, by personal coercion, be made to execute specifically, this court may have jurisdiction and decree accordingly. Therefore, if a defendant be found here he may be decreed to pay money, or to account for the rents and profits of lands lying in another, or a foreign country, which he had held and enjoyed; or if a deed of lands in a foreign country be found to be fraudulent, it may be ordered to be delivered 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 where 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. (n)

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 reality; (o) and it was so consi-

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(m) 1785, ch. 72, s. 23, 25.—(n) *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. (o) Co. Litt. 19, 6; *Drybutter v. Bartholomew*, 2 P. Will. 127; *Buckeridge v. Ingram*, 2 Ves. Jun. 652; *Ram. on Assets*, 184.