

dered by the original act of incorporation; but by a subsequent enactment, it has been declared, that it should be deemed personal property. (*p*) The right to land is, and necessarily must, be regulated by the law of the government under which it is situated. Mere moveables are generally allowed, by the comity of nations, to be disposed of according to the law of the place of the owner's domicile. (*q*) 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. (*r*) It would seem, however, that in a work of the kind now under consideration, if tolls are appointed to be gathered at a place within the jurisdiction of either of the governments, for the use of a space of canal, a part of which extends beyond its limits, such toll might be considered as forming a portion of the product of the canal property within the jurisdiction of the government where they were gathered. (*s*)

Hence, it appears, that directing the estate of this corporation to be deemed personal property, can amount to no more than declaring, that it shall be governed by the municipal regulations of the country where it lies in relation to personal property, instead of those relative to real estate; but that it must, nevertheless, be governed by those laws, and none other, as being an immovable portion of the habitation of the nation. These principles of public law, in regard to the immovable property of this corporation lying beyond the confines of this state, bring us back to the question, whether this court can exercise any jurisdiction in relation to such property, and to what extent.

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(*p*) 1827, ch. 61.—(*q*) 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.—(*r*) 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;—(*s*) Drybuter v. Bartholomew, 2 P. Will. 127; The King v. The Aire & Calder Navigation, 2 T. R. 666; The King v. The Mayor of London, 4 T. R. 21.