

*chief*, while those granted in other countries of the effects of the deceased found there, are considered as merely *auxiliary* to such administration in chief. So that, for the benefit of creditors, and the public, the law of the state where the personal property is found gives the rule; although as regards a distribution among the next of kin of the deceased, the law of his domicil is allowed to govern. (*i*)

This reference to the last actual domicil of the deceased for the rules by which his personal estate is to be disposed of, is, however, most commonly made in cases of absolute intestacy; and so too in cases where the deceased may have made a will disposing of his moveables, it is always presumed to refer to the law of his then domicil; and upon that presumption, without any thing appearing to the contrary, it is deemed valid, or otherwise according to that law, and in pursuance thereof is executed, or set aside; recollecting, however, that no testamentary act or disposition can be allowed to contravene any known rule of our own law. (*j*)

But it must be always borne in mind, that according to all law, real estate, immovables, or territorial property, considered as a part of the habitation of the nation is, in all cases, governed entirely, and in all respects, by the law of the state under whose jurisdiction it is situated. (*k*) And moreover, that marriage, being a contract recognized by the law of nations, is, with few exceptions, valid every where if binding where it was made. (*l*) And consequently, that all the property of the wife vests in the husband, or becomes subject to his control during, and in consequence of the

---

(*i*) *Pipon v. Pipon*, Amb. 26; *Thorne v. Watkins*, 2 Ves. 36; *Somerville v. Lord Somerville*, 5 Ves. 750; *Pottinger v. Wightman*, 3 Meriv. 68; *Lowe v. Farlie*, 2 Mad. Rep. 101; *Munroe v. Douglas*, 5 Mad. 380; *Logan v. Fairlie*, 1 Cond. Cha. Rep. 459; *The Harmony*, 2 Rob. Adm. Rep. 322; *La Virginie*, 5 Rob. Adm. Rep. 98; *Smith v. The Union Bank of Georgetown*, 5 Peters, 518; *De Sobry v. De Laistre*, 2 H. & J. 224.—(*j*) *Wallis v. Brightwell*, 2 P. Will. 88; *Brodie v. Barry*, 2 Ves. & Bea. 130; *Anstruther v. Chalmer*, 2 Cond. Cha. Rep. 235; *Curling v. Thornton*, 2 Eccle. Rep. 197; *Larpent v. Lindry*, 3 Eccle. Rep. 166; *In the Goods of Reid*, 3 Eccle. Rep. 207; *In the Goods of Maraver*, 3 Eccle. Rep. 218; *Armstrong v. Lear*, 12 Wheat. 169; *Desesbats v. Berquier*, 1 Bin. 336; *Burnley v. Duke*, 1 Rand. 108; *De Sobry v. De Laistre*, 2 H. & J. 195; *Vattel*, b. 2, ch. 8, s. 111.—(*k*) *Roberdeau v. Rous*, 1 Atk. 544; *Brodie v. Barry*, 2 Ves. & Bea. 131; *Elliott v. Lord Minto*, 6 Mad. 16; *The United States v. Crosby*, 7 Cran. 115; *Kerr v. Moon*, 9 Wheat. 565; *Binney's Case*, ante 145.—(*l*) *Roach v. Garvan*, 1 Ves. 158; *The King v. Brampton*, 10 East. 282; *Lautour v. Teesdale*, 4 Com. Law Rep. 299; *Ruding v. Smith*, 4 Eccle. Rep. 551; *Scrimshire v. Scrimshire*, 4 Eccle. Rep. 562; *Harford v. Morris*, 4 Eccle. Rep. 575; *Middleton v. Janverin*, 4 Eccle. Rep. 582.