

It having been universally admitted, not indeed as a binding rule of international law, but as a matter of general comity among civilized nations, that personal property follows the domicile of its owner; and that the succession to it must be regulated, on his death intestate, by the law of that domicile; and as the administration of such property looks, in the first place, to the payment of all the debts of the deceased, and then to a distribution among those entitled to succeed to it, according to the law of the deceased's domicile, it most commonly happens, that none but an administration under that law can, with facility, if at all, embrace both those objects. Consequently, the administration of the deceased's domicile is, every where, regarded as the administration in *chief, while those granted in other countries of the effects of the deceased found there, are considered as merely auxiliary **499** 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 domicile is allowed to govern. *Pipon v. Pipon*, Amb. 26; *Thorpe 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; *Monroe 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.

This reference to the last actual domicile 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 movables, it is always presumed to refer to the law of his then domicile; and upon that presumption, without anything 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. *Wallis v. Brightwell*, 2 P. Will. 88; *Brodie v. Barry*, 2 Ves. & Bea. 130; *Anstruther v. Chalmer*, 2 Cond. Cha. Rep. 285; *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; *Barnley v. Duke*, 1 Raud. 108; *De Sobry v. De Laistre*, 2 H. & J. 195; *Vattel*, b. 2, ch. 8, s. 111.

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. *Roberdeau v. Rous*, 1 Atk. 544; *Brodie v. Barry*,