E. Tilghman endeavored to support the writ, considering the objection as founded on a mere error in form, and cited 2 W. Bl. 918; 2 Ld. Raym. 1269; Judicial Act, § 32.

But THE COURT observed, that there was no error in point of fact; nor any clerical error to amend. The writ bears the date when it was actually sued out and lodged in the office: there is, therefore, nothing on the record, by which it can be amended; and the objection is fatal.

The writ of error was, therefore, non-prossed.

AUGUST TERM, 1797.

RULE.

IT is ORDERED BY THE COURT, that no record of the court shall be suffered by the clerk to be taken out of his office, but by consent of the court; otherwise, he is to be responsible for it.

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from whence it follows, that an act, valid or void, in its beginning, and where it first takes place, must be the same elsewhere. But this observation does not apply equally to immovable property, since it is considered, not as depending altogether upon the *377] disposition of every master or owner of a family—but the commonwealth *affixes certain rights as resulting from real property, and is interested in its disposal nor could a nation, without a great inconvenience, suffer its real property to be conveyed, with these incident rights, by the laws of another country, and contrary to its own laws—therefore, a Frizian having fields and houses, in the province of Groningen, cannot make a will disposing of them, because it is prohibited there, to make a will of real estate; the Frizian law not affecting lands which constitute integral parts of a foreign territory. But this does not contradict the rule that we have before laid down, that if a will is made accordingly to the ceremonies of the place, where the testator resides, it will be good with respect to his property in another country, if a will could be made there; because the diversity of laws in that respect, does not affect the soil, but directs the manner of making the will, which being rightly done, may pass real estate in another country, so far as may not interfere with any incidents connected with the ownership of real property in the country where it is situated. This rule takes place in common conveyances—things annexed to the freehold in Friezeland, sold in Holland, in a manner prohibited in Friezeland, but allowed in Holland, are well sold—corn growing in Friezeland is sold in Holland, according to the lasts, as it is called, the sales are void, because it is prohibited in Friezeland, whether prohibited in Holland or not, because it is annexed to the freehold, and is a part of it.

The same rule held with regard to the succession to an intestate estate. If the deceased was father of a family, whose property was in different provinces, so far as respects the real estate, it would descend according to the laws of the place where situated: but with respect to the personal property, it would go according to the law of the place where the intestate lived, and of which he was an inhabitant—for which see Sandius, lib. 4, Decis. tit. 8, def. 7.

These observations are of a nature that require more full explanation, seeing there are not wanting writers, who think otherwise in some particulars, whom you will see respectfully spoken of by Sandius, in his reports of causes; to which add Rodenbergius' Treatise of Laws, in the title of the Marriage Contract."