parties is to be adjusted. In all cases in which an action of account would be the proper remedy at law, and in all cases where a trustee is a party, the jurisdiction of a court of equity is undoubted ; it is the appropriate tribunal. But in transactions not of this peculiar character, great complexity ought to exist in the accounts, or some difficulty at law should interpose, some discovery should be required, in order to induce a court of chancery to exercise jurisdiction. 1 Madd. Chan. 86 ; 6 Ves. 136 ; 9 Ibid. 437. In the case at bar, these difficulties do not occur. The plaintiff sues on a contract by which real property is leased to the defendant, and admits himself to be in full possession of all the testimony he requires to support his action. The defend-
*504] ant opposes to this claim, as an off-set, a sum of money *due to him for goods sold and delivered, and for money advanced ; no item of which is alleged to be contested. We cannot think such a case proper for a court of chancery. We are, therefore, of opinion, that the decree of the circuit court ought to be reversed ; and the cause remanded, with directions to dismiss the bill, the court having no jurisdiction.

This cause came on to be heard, on the transcript of the record, from the circuit court of the United States for the district of Columbia, holden in and for the county of Alexandria, and was argued by counsel : On consideration whereof, it is considered, ordered and decreed by this court, that the decree of the said circuit court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said circuit court, with directions to dismiss the bill, the court having no jurisdiction.

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*505] *Pierre Menard, Plaintiff in error, *v.* Aspasia, Defendant in error.

Slavery.—Ordinance of 1787.—*Appellate jurisdiction.*

The mother of Aspasia, a colored woman, was born a slave at Kaskaskia, in Illinois, previous to 1787, and before that country was conquered for Virginia; Aspasia was born in Illinois, subsequent to the passage of the ordinance for the government of that territory; Aspasia was afterwards sent as a slave to the state of Missouri; in Missouri, Aspasia claimed to be free, under the ordinance "for the government of the territory of the United States north-west of the river Ohio," passed 13th July 1787; the supreme court of Missouri decided, that Aspasia was free, and Menard, who claimed her as his slave, brought this writ of error, under the 25th section of the act of 1789, claiming to reverse the judgment of that court : *Held*, that the case was not within the provisions of the 25th section of the act of 1789.

The provisions of the compact which relate to "property," and to "rights," are general; they refer to no specific property or class of rights; it is impossible, therefore, judicially, to limit their application. If it were admitted, that Aspasia was the property of the plaintiff in error, and the court were to take jurisdiction of the cause, under the provisions of the ordinance, must they not, on the same ground, interpose their jurisdiction in all other controversies respecting property, which was acquired in the north-western territory?

Whatever right may be claimed to have originated under the ordinance of 1787, it would seem, that a right to the involuntary service of an individual could not have had its source in that instrument; it declares, that "there shall not be slavery nor involuntary servitude in the territory;" if this did not destroy a vested right in slaves, it, at least, did not create or strengthen that right.

If the decision of the supreme court of Missouri had been against Aspasia, it might have been contended, that the revising power of this court, under the 25th section of the judiciary act, could be exercised; in such a case, the decision would have been against the express provision of the ordinance in favor of liberty; and on that ground, if that instrument could be considered, under the circumstances, as an act of congress, within the 25th section, the jurisdiction of this

court would be unquestionable. But the decision was not against, but in favor of, the express provision of the ordinance.

The general provisions of the ordinance of 1787, as to the rights of property, cannot give jurisdiction to this court; they do not come within the 25th section of the judiciary act.

ERROR to the Supreme Court of Missouri. An action of assault and battery was instituted in the circuit court for the county of St. Louis, in the state of Missouri, by Aspasia, a woman of color, to establish her right to freedom. By consent of the parties, and in conformity with the law of that state, the facts were submitted to the determination of the court, without the intervention of a jury. *The evidence, as disclosed in the bill of exceptions, established the following case: [*506

The mother of Aspasia, the defendant in error, was born a slave, and was held as such by a French inhabitant of Kaskaskia, Illinois, previous to the year 1787; and after that year, was held as a slave, by the same individual, who was a citizen of that country, before its conquest by Virginia, and before the passage of the ordinance for the government of the north-western territory, and who continued to be such, afterwards, and was such, at the time of Aspasia's birth. Aspasia was born, after the year 1787, and from the time of her birth, she was raised and held as a slave, till some time in the year 1821, when she was purchased by the plaintiff in error, who immediately after, gave her to his son-in-law, Francis Chouteau, then and now residing in St. Louis, Missouri, who held her as a slave till the 10th of October 1827, when he returned her to the plaintiff in error, in consequence of the claim she set up for her freedom.

Upon the evidence thus given, Menard, by his counsel, moved the court to decide: 1. That if it was found from the testimony, that the mother of the plaintiff, Aspasia, was a negro woman, and legally held in slavery, before, and at and after the date of the ordinance passed by the congress of the United States, on the 13th of July 1787, entitled, "an ordinance for the government of the territory of the United States, north-west of the river Ohio," at the village of Kaskaskia, in the late north-western territory, and the plaintiff, Aspasia, was born of such mother, subsequent to the adoption of the ordinance aforesaid, at the village of Kaskaskia aforesaid, the plaintiff is not entitled to her freedom; which instruction, the court refused to give. The same party, by his counsel, moved the court to decide: 2. That if it was found from the testimony, that the mother of Aspasia was a negro woman, legally held in slavery, before, and at, and after, the adoption of the ordinance entitled, "an ordinance for the government of the territory of the United States, north-west of the river Ohio," passed by the congress of the United States, on the 13th day of July 1787, by a French inhabitant of the village of Kaskaskia, in the north-western territory, and who was a citizen of the same, before the conquest of the country by Virginia, and afterwards; and that the plaintiff was born at the village of Kaskaskia aforesaid, *of such mother, while so held in slavery, by such French inhabitant, although subsequent to the date of the ordinance aforesaid, she, the [*507 plaintiff (Aspasia), was not entitled to her freedom; which instructions the court refused to give. To which refusal, in both instances, the counsel of Menard excepted, &c. And the court decided, that the defendant, Menard, was guilty, &c., and that Aspasia was not a slave, but free.

This cause was taken to the supreme court of Missouri, and the decision

aforesaid was affirmed. This writ of error was prosecuted under the 25th section of the judiciary act, passed in 1789.

The case was argued by *Wirt*, for the plaintiff in error—no counsel appearing for the defendant.

Wirt stated, that the plaintiff in error, as well as the defendant, claimed under the same act of congress. The ordinance of 1787 is an act of congress, as it has been, since the establishment of the constitution of the United States, repeatedly ratified and adopted as an act of congress. He cited, the act for the government of the north-west territory, passed in 1787; Act establishing the territory of Indiana; the Act establishing the Illinois territory. The plaintiff in error considers that the supreme court of Missouri has proceeded on a misconstruction of that ordinance, as they have applied its provisions to a class of persons in the territory, over which the ordinance did not extend, and to which it had no application. This has been done by referring the prohibitions of slavery to the French settlers, who were within the territory at the time it was adopted by the congress of the United States. The ordinance has received different constructions in the states of Illinois and Missouri, as to its operation on the people of color, who were slaves at the time of its enactment, and upon their descendants born since 1787.

This case, as to jurisdiction, is similar to that of *Matthews* v. *Zane*, 4 Cranch 382; s. c. 5 Ibid. 92; s. c. 7 Wheat. 206. He cited also, Sergeant's Const. Law, 64; *McClung* v. *Silliman*, 6 Wheat. 598.

*508] The supreme court of Missouri have also disregarded the *6th provision in the ordinance, as this case is protected by the contract contained in that provision with the state of Virginia. (1 Laws U. S. 48.) This being a question of liberty and slavery, it is addressed to our sympathies; but this is not to affect the rights of the plaintiff in error, if they are secured to him by the law and by the constitution. The ordinance stipulates protection to the French settlers within the territory, as to their persons and their property. To show that by refusing to the plaintiff in error, who is one of the descendants of those French settlers, and who claims Aspasia under a French inhabitant residing at Kaskaskia previous to 1787, the supreme court have not conformed to one of the provisions of the ordinance; it will be necessary to go back to the first settlement of Kaskaskia, and to trace down the history and condition of these people to the period of the ordinance.

The settlements in Illinois were made from Canada, when Canada belonged to France; the number of white settlers then, exclusive of troops, was about two thousand. (Pittman's Hist. European Settlements on the Mississippi 55.) These people brought with them from Canada, the French laws and customs, and among them, the law by which slavery was tolerated; under which law, they were entitled to their slaves, as property, and to the issue of the females, as property also. This country, a dependency of Canada, was ceded, with Canada, to Great Britain, by the treaty of Paris, in 1763; and when General Gage, in 1764, took possession of the country, in behalf of Great Britain, he promised, by his proclamation, to the subjects of France, then in the territory, that they should enjoy the same rights and privileges, and the same security for their persons and property, as under their former sovereign. At this period, the same laws as those of France prevailed in

the colonies of England as to slavery. At this time, there were slaves in that country, and particularly at the posts, of which Kaskaskia was one. (Pittman 43, 47.) In 1778, it was conquered by the troops of Virginia, under General Rogers Clarke. The country lay within the chartered limits of Virginia; and in the same year, it was erected, by an act of the Virginia legislature, into a county of that *state. (9 Hening's Statutes at Large 552, ch. 21.) The preamble of that statute recites, that the [*509 inhabitants had acknowledged themselves citizens of the commonwealth of Virginia, and taken the oath of fidelity to the same. By that act, it is declared, that the inhabitants shall enjoy their own religion, "together with all their civil rights and property." At this time, slave property in Virginia rested exactly on the same footing that it had done, and still did, in the French and British colonies, and was fixed to be *partus sequitur ventrem.* Thus, by the act of Virginia of 1788, the inhabitants had a guarantee of their slaves as property, and of the issue of their slaves in like manner.

The cession of territory to the United States, in 1784, was made with a full knowledge of the existence of this property; and congress recognise it in the act relative to the government of the territory, and give to the free males a voice in its organization. (9 Journals of Congress 144; Ordinance of 1787.) This ordinance is in harmony with the provisions of the act of Virginia of 1798.

It was no part of the purpose of the ordinance to change existing rights, but its purpose was a great prospective policy, looking to the future settlement of the vacant lands, and to the terms on which settlers should come in. The regulations of the ordinance applied to unappropriated lands, prescribing the terms on which those lands should be settled, not affecting in any degree the vested rights and institutions of the old French settlers. (7 Dane's Abr. 442.) A fair construction of the ordinance of 1787 is, that slave property was left untouched and unaffected by its provisions; it was not intended to operate so as to divest property lawfully acquired and held from the first settlement of the country; the laws relative to which had never been annulled, but on the contrary, had been constantly confirmed. It could not possibly have been the intention of congress to divest such property, for these reasons: 1. Because it would have violated one of the conditions on which congress had accepted the cession from Virginia. 2. Because the existence and continuance of slavery, to some extent, is acknowledged by unavoidable implication in those parts of the ordinance which refer to the number of free males. 3. Because the *French settlers [*510 are excepted from the action of the ordinance. 4. The contemporaneous construction by those who drafted the ordinance. 5. The recognition of slavery, as existing at the date of the ordinance. 6. The admission of Illinois into the Union, and the approval of her constitution, which was admitted by congress to have expounded this ordinance correctly.

Upon the whole, it must be apparent, that it never was the intention of the state of Virginia, or of the old congress, that the old French settlers, of whom the appellant is one, should be molested in their possession of this species of property. It would be a breach of faith towards them, to have allowed them to have remained in the territory, and take the oath of allegiance to Virginia, to put such a construction on this ordinance. There are but a handful of these people. Their slaves are regarded by them as chil-

dren. In the present case, Aspasia was handed over to a daughter of Menard, who had married children; so that she was still in the family. If she had remained in Illinois, she would probably never have made this question; or, if she had, we have seen, she would not have succeeded; for under their state decisions, it has become a rule of property, *partus sequitur ventrem.*

McLean, Justice, delivered the opinion of the court.—This suit was brought into this court from the supreme court of the state of Missouri, by a writ of error. An action for false imprisonment was commenced in the circuit court for the county of St. Louis, by the defendant in error, to establish her freedom. By the consent of counsel, under the statute of Missouri, the facts and law of the case were submitted to the court. The facts, as stated in the bill of exceptions, are these:

The mother of Aspasia was born at Kaskaskia, Illinois, previous to the year 1787, and was held as a slave, from her birth, by a citizen of that country. His residence commenced before the country was conquered by Virginia, and continued until after the birth of Aspasia; which was several years subsequent to the passage of the ordinance for the government of the north-western territory. She was born a slave, at the village of Kaskaskia, and held as such. In the year 1821, she *was purchased by the plaintiff in error; who immediately afterwards gave her to his son-in-law, Francis Chouteau, a resident of St. Louis. He held her as a slave, until October 1827, when he returned her to the plaintiff in error, in consequence of the claim she set up for her freedom.

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Upon this evidence, Menard claimed Aspasia as his slave; but the circuit court decided against him. He appealed to the supreme court of the state; and in that court, the judgment of the circuit court was affirmed. To reverse this judgment, a writ of error is now prosecuted, and two errors are assigned. 1. Slaves in the north-western territory, before and at the time of the adoption of the ordinance of 1787, were not liberated by that instrument, but continued slaves. 2. That the offspring of such slaves follow the condition of the mother, and are also slaves.

To understand the nature of the right asserted by the plaintiff in error, a reference to the civil history of the Illinois country is necessary. By the treaty of peace, concluded in 1763, between England and France, the latter ceded to the former the country, out of a part of which the state of Illinois was formed. In the colonies of both France and England, it is well known, that slavery is tolerated. It was stipulated in the treaty, "that those who chose to retain their lands, and become subjects of his majesty, the king of England, shall enjoy the same rights and privileges, the same security for their persons and effects, and liberty of trade, as the old subjects of the king." The same assurance was given to the inhabitants of the country, in the proclamation of General Gage, in 1764. In 1778, a military force, organized under the authority of Virginia, and commanded by General Clarke, subdued Kaskaskia and post Vincent, and drove the British forces from the country. Soon after this occurrence, by an act of the Virginia legislature, a county called Illinois was organized, embracing the conquered district; and its citizens were admitted on an equality of rights with the other citizens of Virginia. This country was ceded to the United States

by Virginia, in 1784, with certain stipulations, one of which was, that "the French and Canadian inhabitants, and other settlers of the *Kaskaskias, St. Vincent's, and the neighboring villages, who have professed [*512 themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties." Under the laws of Virginia, the citizens of Illinois county had a right to purchase and hold slaves; and that right was not abrogated, but protected by the cession of 1784, to the United States. In April 1784, congress passed certain resolutions, securing to the people north of the Ohio certain rights and privileges by which they were governed; and which remained in force until the adoption of the ordinance of 1787. By these resolutions, the existence of slavery is not referred to, except by implication, in using the words, "free males, of full age," being entitled to certain privileges; and also, "free inhabitants." Under these resolutions, in the manner prescribed, the free inhabitants were authorized to adopt the laws of any one of the original states. On the 13th July 1787, congress passed the ordinance for the government of the territory north-west of the river Ohio; and repealed the resolutions of 1784. In this ordinance, ten articles are adopted, which are declared to be articles of compact, "between the original states and the people and states in the said territory; and to remain unalterable for ever, unless by common consent." Among these articles, is the following: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

By an act of congress of 1789, and another of 1800, certain provisions were made to regulate the government of the territory, and make a division of it; but they do not affect the question which is made in the case under consideration. In the second section of the act of 1800, "the inhabitants of the territory shall be entitled to, and enjoy, all and singular the rights, privileges and advantages, granted and received by the said ordinance." This provision was re-enacted in the act of 3d February 1809, which established the Illinois territory. By an act of congress of the 18th April 1818, the people *of the territory were authorized to form a constitution [*513 and state government; and on the 3d December following, by a joint resolution of the senate and house of representatives, the state of Illinois was admitted into the Union, "on an equal footing with the original states in all respects whatever." The provision of the ordinance of 1787 prohibiting slavery was incorporated into the constitution. This provision of the ordinance, it is contended, could only operate prospectively; and was never designed to impair vested rights; that such was the construction uniformly given to it, under the territorial government; that the provision was understood to prohibit the introduction of slaves into the territory, by purchase or otherwise; but those who were held in slavery at the time the ordinance was adopted, were not liberated by it.

That this was the understanding of the people of the territory, at the time the constitution was adopted, it is argued, appears from the frequent reference made in that instrument, to "free white male inhabitants," in contradistinction from those who were not free; and from a law which was subsequently passed by the legislature of the state, imposing a tax on slaves. The rights of persons who claimed a property in slaves, it is urged, were not

affected by the provisions of the ordinance of 1787, or of the constitution; but remain as they were, prior to the adoption of either. That a construction, different from this, would be destructive of those rights which the citizens of the country enjoyed under the French and British governments, and which were guarantied by Virginia, and provided for in her cession of the country to the Union.

The slavery of the mother of Aspasia being established, it is contended, that under the ordinance, her offspring must follow the same condition. This is, beyond dispute, the principle of the civil law; and is recognised in Virginia, and other states, where slavery is tolerated. Whether the same principle be applicable to the case under consideration, is a question which it may not be necessary now to determine.

The plaintiff in error insists on his right to the services of Aspasia as his slave, and attempts to enforce it. To try this right, the present action was instituted; and a decision having been given against the right, the plaintiff prosecutes a *writ of error in this court to reverse the judgment. *514] Can this court take jurisdiction of the case? By the 25th section of the judiciary act of 1789, it is provided, that "a final judgment or decree, in any suit, in the highest court of law or equity of a state, in which a decision in the suit could be had, where is drawn in question the construction of any clause of the constitution, or of any treaty or statute of the United States; and the decision is against the title, right, privilege, &c., under the statute, may be re-examined and reversed, or affirmed in this court." Does the right asserted by the plaintiff in error come within any of the provisions of this section? Under what statute of the United States, is the right set up? The answer must be, under the ordinance of 1787, and the statutes that have been subsequently enacted, which have a bearing on the question.

In the second article of the compact contained in the ordinance, it is provided, that "no man shall be deprived of his liberty or property, but by the judgment of his peers." "And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner affect private contracts." This compact was formed between the original states and the people of the territory; and that part of it which prohibits slavery is embodied in the constitution of Illinois. In thus being made a part of the fundamental law of the state, a guarantee against slavery, of as high obligation as on any other subjects embraced by the constitution, is given to the people of the state.

There are various provisions in the compact which are deeply interesting to the people of Illinois, and which, it is presumed, no one would contend, could give a supervising jurisdiction to this court. In the third article, it is provided, that "religion, morality and knowledge being necessary to good government, and the happiness of mankind, schools and the means of education, shall for ever be encouraged." And in the third article, "that all fines shall be moderate, and no cruel or unusual punishment shall be inflicted." "All persons shall be bailable, *unless for capital offences, *515] where the proof shall be evident or the presumption great." These, and other provisions, contained in the compact, were designed to secure the rights of the people of the territory, as a basis of future legislation, and to have that moral and political influence that arises from a solemn recognition

of principles, which lie at the foundation of our institutions. The same may be said as to the provisions respecting the rights of property. The provisions in the compact which relate to "property," and to "rights," are general. They refer to no specific property or class of rights. It is impossible, therefore, judicially, to limit their application. If it were admitted, that Aspasia is the property of the plaintiff in error, and the court were to take jurisdiction of the case, under the provisions of the ordinance, must they not, on the same ground, interpose their jurisdiction in all other controversies respecting property which was acquired in the north-western territory? Whatever right may be claimed to have originated under the ordinance of 1787, it would seem, that a right to the involuntary service of an individual could not have had its source in that instrument. It declares, that "there shall be neither slavery nor involuntary servitude in the territory." If this did not destroy a vested right in slaves, it, at least, did not create or strengthen that right.

If the decision of the supreme court of Missouri had been against Aspasia, it might have been contended, that the revising power of this court, under the 25th section of the judiciary act, could be exercised. In such a case, the decision would have been against the express provision of the ordinance, in favor of liberty; and, on that ground, if that instrument could be considered, under the circumstances, as an act of congress, within the 25th section, the jurisdiction of this court would be unquestionable. But the decision was not against, but in favor of, the express provision of the ordinance. Was it opposed to any other part of the instrument? It is possible, that opposing rights may arise out of the same instrument, although it contain no contradictory provisions. The right asserted by the plaintiff in error had not its origin under any express provision of the ordinance. It is only *contended, that that instrument did not destroy this right, which had its [*516 commencement in other laws and compacts. A sanction of the right, implied more from the force of construction than the words used in the ordinance, is all that can be urged.

No substantial ground of difference is perceived between the assertion of any other right to property, and that which is set up in the present case. The provisions of the ordinance will equally apply to every description of claim to property, personal or real. And if, from the general provisions respecting property, this court shall take jurisdiction in this case; on the same principle, it may revise the decisions of the supreme courts of Illinois, Indiana and Ohio; at least, in all cases which involve rights that existed under the territorial government. Give perpetuity to this general provision, and consider it as binding upon the people of these states, and it must have an important bearing upon their interests. Instead of looking to their constitutions as the fundamental law, they must look to the ordinance of 1787. In this instrument, their rights are defined, and their privileges guarantied. And, instead of finding an end of legal controversies respecting property, in the decisions of their own courts of judicature, they must look to this court. This cannot be the true construction of this instrument. Its general provisions, as to the rights of property, cannot give jurisdiction to this court. They do not come within the 25th section of the judiciary act. The complaint is not that property has been taken from the plaintiff in error, in the language of the ordinance, "without the judgment of his peers;" nor, that

his right has been affected by any law of the territory, or of the state. It is not pretended, that his right, whatever it may be, is not secured as fully under the constitution and laws of Illinois, as under the ordinance. In support of his claim, a reference is made to the judicial decisions of the state, under its own laws.

If, then, a suit be brought by a citizen of Illinois to enforce a right in the courts of Missouri, which exists to as great an extent under the constitution and laws of the state of Illinois, as in the territorial government, under the ordinance, and a *decision be given against the right, can the party asserting it, ask the interposition of this court? The prosecution of this writ of error presents the question to this court, in the same point of view, as if the suit in Missouri had been commenced by the plaintiff in error. His title does not arise under an act of congress. This is essential to give jurisdiction, under this head. It is not enough to give jurisdiction, that the act of congress did not take away a right, which previously existed; such an act cannot be said to give the right, though it may not destroy it. This suit must, therefore, be dismissed, as this court has no jurisdiction of the case.

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Writ of error dismissed.

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*518] *Clement Smith, Administrator of Samuel Robertson, deceased, Plaintiff in error, *v.* The President and Directors of The Union Bank of Georgetown, Defendant in error.

Decedents' estates.—Conflict of laws.

Robertson was domiciled at Norfolk, in Virginia, and there contracted a debt on bond to T.; he was also indebted to the Union Bank of Georgetown, in the district of Columbia, on simple contract; he died intestate, at Bedford, in Pennsylvania; leaving personal estate in the city of Washington, in the district of Columbia, of which administration was there granted. By the laws of Maryland, all debts are of equal dignity in administration, and by the laws of Virginia, where R. was domiciled, debts on bond are preferred; the assets in the hands of the administrator were insufficient to discharge the bond and simple-contract debts: *Held*, that the effects of the intestate, in the hands of the administrator, were to be distributed among his creditors according to the laws of Maryland, and not according to the laws of Virginia.[1]

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[1] The general rule is, that the law of the place of the decedent's domicil governs the distribution of the personal estate, so far as it designates the persons who are entitled to take as next of kin. Harrison *v.* Nixon, 9 Pet. 504. The succession is regulated by the law of the domicil; but administration by the *lex loci rei sitæ*. And this distinction is of infinite value to the creditor, whose action might be barred in a foreign court, by the lapse of a period that would be insufficient to bar it at home; or whose demand might, in the event of a deficiency, be subjected to a less beneficial rule in the order of payment. It is, therefore, indispensable, that the effects of a decedent be collected and administered under the control of the government, within whose jurisdiction they were, at the time of his death. Mothland *v.* Wiseman, 3 P. & W. 187–8, *per* Gibson, Ch. J. The ground on which the assets are to be collected by the authority, and administered according to the law of the country, in which they may happen to be, at the decedent's death, is the claim which its citizens have to the protection and assistance of the government, in the prosecution of their rights; this protective principle has never been relaxed by the American courts. Miller's Estate, 3 Rawle 319. But when the purposes of protection and assistance have been answered, or there are, in fact, no resident creditors to be protected, the court of the *forum* will distribute the fund in accordance with the law of the domicil. Id. And see Page's Estate, 95 Penn. St. 87; Pleasants's Appeal, 77 Id. 356.