

And it is further *Decreed*, that the defendant *John Diffenderffer*, pay unto the defendant *Charles R. Diffenderffer*, or bring into this court to be paid to him, the sum of \$8,707 05, with legal interest thereon, from the 8th day of November, 1828, until paid or brought in.

And it is further *Decreed*, that the defendant *John Diffenderffer*, pay unto the plaintiffs, and to each one of the other parties, their costs in this suit arising under the said decree to account to be taxed by the Register.

See the report of this case as disposed of by the Court of Appeals, 3 G. & J. 311.

CAMPBELL'S CASE.

Where an estate has been devised to be sold to pay debts, the trustee who has accepted the trust, may be ordered to proceed accordingly, and to sell, as directed by the will, real estate lying out of this state.—Trustees, on failing to give bond as required, may be removed, and another trustee appointed.

On petition and affidavit a writ *de lunatico inquirendo* may be issued.—It should be directed to the county in which the person alleged to be insane resides; but if he be not within the state, it should be directed to the county in which he last resided; and in some cases, his appearance before the inquest may be dispensed with.

In a creditor's suit the case may be submitted, to obtain a decree for a sale, without having been regularly set down for hearing.—Formerly the estate of a lunatic might be saved as far as practicable; and as regarded infant heirs and devisees, the parol might demur; but now, on the answer of a lunatic by his committee, or an infant by his guardian *ad litem*, in a creditor's suit, a sale of the realty may be at once decreed to pay debts.—All devises to the prejudice of creditors are declared to be void; but if not materially so, the creditors can only take the estate devised for their satisfaction.

In England, private acts of parliament have only been passed in cases where the parties could be relieved in no other way.—Such acts are considered only as conveyances, binding on those alone who are parties; and if tainted with fraud, may be set aside.—Although the facts set forth in a bill of attainder cannot be questioned, yet the truth of a fact stated in a private act of parliament cannot be assumed to the prejudice of any private right.—Here, as well as in England, apart from any constitutional objection, a statute, because of its being inexplicable, contradictory, or altogether absurd, may be declared void.—Here, as the sovereignty belongs to the people only, our government is limited, as well by its nature as by special constitutional restrictions.—The general assembly can pass no law impairing the obligation of contracts, or injuriously affecting the right of private property; or exercise any authority whatever beyond its own sphere as a legislature.—Private acts of assembly operate here like conveyances, binding only on the parties, and are valid only in so far as they do not conflict with the con-