

COMMISSIONS—*Continued.*

4. When several sales are made at different times, the commissions of the trustee should be calculated upon each sale separately, and the sales are not to be treated as if made at one time. *Goodburn and Wife vs. Stephens*, 420.

COMMISSIONERS TO MAKE PARTITION.

See PARTITION.

CONCURRENT JURISDICTION.

1. When two courts have concurrent jurisdiction over the same subject matter, the court in which the suit is first commenced is entitled to retain it. This rule is vital to the harmonious movement of the courts, and any other would unavoidably lead to perpetual collisions and be productive of the most calamitous results. *Brooks vs. Delaplaine*, 351.
2. The powers of the County Courts, within the boundaries assigned them are equal in every respect to the powers of the Court of Chancery. *Ib.*
3. The jurisdiction of courts of equity in cases of dower, is concurrent with that of courts of law, and if the legal title to dower be admitted or settled, equity will proceed to the assignment of the dower, and will also compensate the widow in damages for its detention. *Kiddall vs. Trimble*, 143.

See JURISDICTION, 7, 15.

CONSTITUTIONAL LAW.

1. When the legislature transcends its authority, the courts of justice in the discharge of their duties are bound to pronounce its acts void, but this high power of the judiciary should be exercised with great caution, and only when the act of the legislature is manifestly beyond the pale of its authority. *Wilson vs. Hardesty*, 66.
2. Retrospective laws and laws divesting vested rights, unless *ex post facto*, or impairing the obligations of contracts, do not fall within the provisions of the constitution of the United States, however repugnant they may be to the principles of sound legislation. *Ib.*
3. The act of 1845, ch. 352, as affecting pre-existing contracts, tainted with usury, is neither prohibited by the constitution or bill of rights of this state, nor does it come within the provision contained in the constitution of the United States, prohibiting the states from passing *ex post facto* laws, and laws impairing the obligation of contracts. *Ib.*
4. Nothing can be clearer than that private property cannot be taken for public use, without making just compensation to the owner. *Hamilton vs. Annapolis and Elkridge Rail Road Company*, 107.
5. The right of eminent domain gives to legislative authority the control of private property for public uses, subject to the condition, that a reasonable and just compensation shall be made to the owner. *Ib.*
6. Any attempt to exert this power without complying with the condition, would be at war with the great principles of natural justice, and in direct conflict with the constitution of the United States. *Ib.*
7. The principle that the right of eminent domain authorizes the government to take and appropriate private property for public uses, without making compensation to the owner, unless there is some provision in