

CONSTITUTIONAL LAW—*Continued.*

- mit forfeitures incurred by public officers who have become debtors to the state, and in cases where they think proper may surrender interest, or allow, as a credit, interest on credits which they may admit should theretofore have been given ; such an exercise of power is no violation of the 4th article of the declaration of rights. *Ib.*
3. These credits are a gratuitous grant by the state, and such a grant must be restricted to its obvious and plain intent, and be construed most favorably for the government. *Ib.*
 4. Wherever the state and a citizen have claims in equal degree, and a conflict arises by death or act of the party not having enough to pay his debts, the claim of the citizen must yield to the right of the state. *Ib.*

CONSTRUCTION OF ACTS, STATUTES, &c.

1. The act of 1841, ch. 161, protects the interest of the husband in real estate of the wife from *liability* for his debts during the life of the wife, and this protection extends to the proceeds of such estate when sold for the purposes of partition. *Hall vs. Hall*, 283.
2. The act of 1777, ch. 12, sec. 14, conferring jurisdiction upon the Chancellor in cases for alimony, gives full and complete jurisdiction over the subject, and does not restrict the court in making such allowance to the circumstances and causes which would entitle the party to a divorce, according to the ecclesiastical laws of England. *Jamison vs. Jamison*, 289.
3. Prior to the act of 1841, ch. 262, the legislature had the exclusive power of granting divorces, and they exercised it as a regular exertion of legislative power. *Ib.*
4. Prior to the act of 1835, ch. 380, a creditor could not claim the aid of a court of equity in following real estate fraudulently conveyed away by his debtor, without first obtaining a judgment at law, nor personal estate, thus conveyed, without issuing a *feri facias*, but this act has changed the law, in this respect, in this state. *Wylie vs. Basil*, 327.
5. The provision of the 9th sec. of the act of 1786, ch. 45, prohibiting the commissioners when the land is not worth more than \$15 per acre, from dividing it into shares of less than fifty acres, forms no part of the act of 1820, ch. 191, and was purposely dropped by the legislature. *Wilhelm vs. Wilhelm*, 330.
6. The right of election given to the eldest son by the act of 1820, ch. 191, is a valuable right, but has no existence and cannot be enforced unless the commissioners determine that the estate cannot be divided without loss and injury to all the parties, and their return to this effect is confirmed by the court. *Ib.*
7. Where lands are divided in specie under the act of 1820, the commissioners have no power to assign the widow a portion of the land, *in fee*, equal to her dower in the whole, for this would be in effect making her a co-heir. *Ib.*
8. The legislature passed resolutions directing the treasurer "to examine the accounts" of a late county clerk, "and correct the same by cred-