tutionally, so that it be without prejudice to any one, confirm an anti-nuptial settlement, (*c*) or cure the defects in any contracts or conveyances, so as to quiet the possessions of purchasers and others. But in doing so, they can exercise no power which has been delegated exclusively to the government of the United States; nor any power properly belonging to the judicial department; nor can they suspend the recovery of debts, or deprive any one of a privilege, or impair the obligation of contracts, or divest any right previously vested so as thereby, in effect, arbitrarily to take property from one person and give it to another. (*d*)

With regard, therefore, to the case now under consideration, it follows from what has been said, that this act of assembly, (*e*) by which the devisees of the late *William Campbell* have been authorized to mortgage his real estate, can, in no way, be allowed to alter or affect the rights of his creditors. For, mortgaging the assets is not the natural way of paying debts with them; although, in some cases, it may be the most expedient mode; as where a sufficient sum may be raised in that manner to satisfy all the creditors, without delay, and without prejudice to the heirs, devisees, legatees, or next of kin of the deceased. (*f*) This special act may be admitted to be fully, and in all respects obligatory upon those devisees who are parties to it, and at whose instance alone it was passed; but the creditors of the testator, being entire strangers to it, must be permitted to stand here as if it had never been passed; and to sustain their rights against these devisees, in like

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(*c*) 1807, ch. 5.—(*d*) Vanhorne's Lessee *v.* Dorrance, 2 Dall. 304; Calder *v.* Bull, 3 Dall. 386; Dartmouth College *v.* Woodward, 4 Wheat. 518; Owings *v.* Speed, 5 Wheat. 420; McCreery *v.* Somerville, 9 Wheat. 354; Satterlee *v.* Matthewson, 2 Peters, 380; Wilkinson *v.* Leland, 2 Peters, 627; Dash *v.* Van Kleeck, 7 John. Rep. 477; Enslin *v.* Bowman, 6 Binn. 462; Trustees of the University *v.* Foy, 2 Haywood, 310, 374; Jones *v.* Crittenden, 2 North; Carol. Law Repository, 385; Berry *v.* Haines, 2 Ib. 428; Allen *v.* Peden, 2 Ib. 638; Opinion of the Judges of Georgia, 2 Ib. 31; Per Judge Martin of Louisiana, 2 Ib. 173; Crane *v.* Meginnis, 1 G. and J. 463; Berrett *v.* Oliver, 7 G. and J. 192; Acts of Assembly of Maryland of 1781, ch. 3; 1785, ch. 9; 1795, ch. 30; 1807, ch. 24, 52, 121, 138, and 149; 1808, ch. 17, 73, and 101; 1809, ch. 164; 1811, ch. 101; 1814, ch. 14; 1815, ch. 71; 1816, ch. 164; 1817, ch. 204; 1818, ch. 90; 1819, ch. 53; 1820, ch. 147, and 172; 1825, ch. 88; 1826, ch. 7, and 164; 1827, ch. 67, and 141.—(*e*) 1825, ch. 135, ante 215, note.

(*f*) Andrew *v.* Wrigley, 4 Bro. C. C. 138.—By the act of 1831, ch. 311, s. 12, if constitutional, this court has been clothed with power to mortgage the interest of infants in lands, where it shall appear to be for their advantage so to procure money, for the benefit of such estate of the infants; or to improve the same, or to relieve it from any incumbrance, or otherwise, for the benefit of such infants.—Williams' Case, post. 3 vol.