

C H A P.
XLIX.

nalty, as the chancellor shall approve, with condition that he will satisfy and pay all just debts due from such creditor to any citizen of this state so far as debts shall be collected by him; and no debtor of any such British creditor shall be obliged to pay his debt before bond be given as hereby required; and if bond and security shall be given as aforesaid, then the British merchant, agent or factor, shall not be obliged to return the list as is herein before directed.

Claims reject-
ed. may be
laid before
the chancel-
lor, &c.

IV. **And**, whereas numbers of accounts and claims against persons whose property has been confiscated by this state, have been laid before the auditor to be approved and passed for payment thereof, and many of them have been, and still may be, rejected for want of the necessary evidence to satisfy the auditor of the justness of the claim, **Be it enacted**, That in all cases where the auditor has rejected, or shall reject, any account or claim as aforesaid, for want of the necessary proof, or from an opinion that the claim is unjust, the claimant may lay his papers before the chancellor, who is hereby authorized to make up an issue on the case, and send it for trial to the county court where such person resides, or the general court, as the case may require, and any judgment obtained on trial as aforesaid, shall be sufficient to authorize the treasurer to receive the claim for payment agreeably to law.

Creditors to
be satisfied
out of debts,
&c.

V. **And be it enacted**, That in all cases where it shall appear to the auditor by the lists returned as before directed, that there are debts in the hands of the citizens of this state due to persons whose property has been confiscated as British property, the creditors of such persons shall resort for satisfaction out of such debts, and the property confiscated shall be only responsible where such debts are insufficient to pay and satisfy the claims of such creditors.

Power in go-
vernour, &c.
abrogated,
&c.

VI. **And be it enacted**, That the power and authority heretofore vested in the governor and council to approve or reject accounts passed by the auditor, be and is hereby abrogated, and the auditor is hereby required to take into his possession all the accounts and claims which now lie before the governor and council, and to reconsider, adjust and pass, or reject the same, as justice shall require.

County courts
to appoint
persons, &c.

VII. **And**, whereas there may be debts due to persons convicted of treason, and there is no mode pointed out by law for collecting the same, **Be it enacted**, That the county courts be, and they are hereby directed to appoint a proper person in their county to take into their possession the books, accounts, or other papers belonging to such persons convicted as aforesaid; and that the said person so appointed, shall be and is hereby authorized to collect, and, if need be, to sue for and recover in the name of this state all such debts, dues and demands, as he shall discover to be due in his county to such convicted person, and to pay the same after deducting his commission for his trouble and expence into the treasury of his shore, and that the monies so paid in shall be considered as part of the estate of the person to whom due, and applied towards discharging the claims against such estate; and the person so as aforesaid appointed by the county court for the purpose aforesaid shall, before he acts in virtue of such appointment, give bond to the state in such penalty, and with such security, as the said court shall approve, for the faithful execution of the trust reposed in him by this act; the said bond to be lodged with the clerk of said court, to be by him recorded, and the original to be transmitted with all convenient speed to the register in chancery, to be by him safely kept in his office; and such county court may allow the person by them appointed such commission for his trouble as they may adjudge reasonable according to circumstances, not exceeding in any case fifteen *per cent*.

Provision in
case of con-
tract, &c.

VIII. **And**, whereas there may have been contracts and sales made of lands by persons who were British subjects at the time of the revolution with citizens of this or some one of the United States, and there is no mode of procuring a conveyance of such property, or compelling a specific performance of such contracts, **Be it enacted**, That in all cases where there has been a contract and sale of any real property by a British subject previous to the revolution, and such contract has not been completed, in all such cases it shall and may be lawful for the chancellor,