

not passed until the second day of February, 1781, although it is referred to as October, 1780, ch. 45. The enactments upon this subject are numerous, running through a series of several years, and embracing a great variety of matter. But in regard to this case, they need only to be considered so far as they have a bearing upon the means which, but for them, *Hepburn* would have had, or which they gave him of recovering his claim due from the *Mollisons*. That they changed his remedies, in some respects, is clear; but did they not give him others as effectual as those which they virtually destroyed? And did they place in obscurity, or remove beyond his reach, any part of the estate of his debtors against which he might before have had recourse? These are the only questions.

It is admitted on all hands, that the *Mollisons*, who were then living, were not brought within the scope of those laws, as traitors; and therefore, none of their provisions which relate peculiarly to forfeitures for treason, or to escheated estates, apply to their case. They and their property were affected by those laws only and exclusively as being then British subjects and alien enemies.

By the act of October, 1780, ch. 45, it is declared, that all the property within this state, *debts only excepted*, belonging to British subjects, such as the *Mollisons* then were, should be confiscated. But it was also declared, by the same act, that all citizens of this state, such as *Hepburn* then was, should be fully paid and indemnified, so far as their British debtors were solvent, out of the property confiscated; to be adjusted by the General Assembly: *Provided*, such British debtors had not debts due to them within this state sufficient to satisfy their creditors. Thus requiring the creditors to exhaust that fund first before they made claim against the confiscated property taken into the treasury. Commissioners were appointed to preserve the property so confiscated, (*t*) who were authorized to receive claims and report to the treasurer as to the probable amount due to creditors from persons whose property had been confiscated; and the treasurer was directed to reserve a sufficiency to meet such claims until the General Assembly should take order therein. (*u*)

The time for bringing in claims against the state, which arose on any account before the tenth of January, 1785, was limited to

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(*t*) October, 1780, ch. 49.—(*u*) May, 1781, ch. 23, s. 19.