

a specified period; (w) and it was declared, that all claims against the state on account of property confiscated, which arose before the time limited by law for bringing them in, might be brought in, passed, and settled by the Auditor-General on or before the first day of September, 1787, and when so settled should be paid as directed by law: *Provided*, that the claimant satisfied the Auditor-General, that for want of notice, or for some unavoidable impediment, he could not bring in his claim within the time limited by law. (x) And it was further declared, that no such claim should be passed unless satisfactory proof was given that there were no debts due in the country to the persons whose property had been confiscated, to satisfy the claim exhibited against the state, and that due industry had been used by the claimant to discover the debts subject to attachment, and the proper means taken by him to secure his claim out of such debts. And in conclusion it was directed, that the Auditor-General should give notice of this act in such manner as he might think proper to communicate its contents throughout the state. (y) It was also provided, that when any claim of a creditor against confiscated property should be rejected by the Auditor-General, the claimant might lay his papers before the Chancellor, who was authorized to make up an issue upon the case, and send it for trial before a jury. (z) And, as if to leave the door wide open for any citizen to come in and obtain a judicial decision upon a claim of any kind which he might have against the state, any claimant was allowed, in the manner prescribed, to commence and prosecute an action at law against the state; (a) which law remained in force until within a short time past. (b)

The confiscation acts divested the *Mollisons* of all their property, debts only excepted, upon the ground that they were alien enemies; and, consequently, those very acts, as to all such property, virtually declared them to be civilly dead. The question then arises, how far did those laws really impede or embarrass *Hepburn* in the collection of his debt? It must be admitted, that but for the confiscation of the property of the *Mollisons*, *Hepburn* might, by an attachment, have taken any part of it, real or personal, as well as their debts, in satisfaction of his claim. But the

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(w) 1784, ch. 45, and 1785, ch. 10.—(x) 1786, ch. 18.—(y) 1786, ch. 18; Journ. Cong. 23d July, 1787; 27th August, 1786.—(z) 1786, ch. 49, s. 4.—(a) 1786, ch. 53.—(b) 1820, ch. 210.