of procuring any immediate relief; but he is not allowed to obtain testimony by a bill of discovery in equity, so as thereby to lay a foundation for obtaining relief elsewhere, that is, by attachment or otherwise from the property of our citizens in the alien's own country or elsewhere. (*u*)

It is clear then, upon principle, that there was nothing in the circumstances of the *Mollisons* having been non-resident alien enemies by which the remedy of their creditor *Hepburn* could have been in any degree affected. *Hepburn* might have proceeded by attachment at any time after his debt became due on the first of April, 1776, except within that short period during which, by the course of the revolution, the courts of justice were closed; and which it was declared should not be considered as a part of the time limited for bringing any action. (*w*)

But apart from the general principles of law in relation to this matter, it appears from the docket entries of the late General Court, that there were several attachments actually laid in the hands of *Mollison's* debtors during the war and before the peace of 1783; and besides, *Hepburn's* right to proceed by attachment against the property of the *Mollisons* here, at the time they were non-resident alien enemies, has been repeatedly recognized and affirmed in express terms by the confiscation acts themselves, already noticed, as well as by those I shall now proceed to consider.

The act of October, 1780, ch. 5, s. 11, is in many respects an enactment of a very unusual and equivocal character. It authorized debtors of British subjects, such as the *Mollisons* then were, upon certain conditions and under certain regulations to pay the debts so due from them into the treasury. And many debts were so paid in accordingly. Upon which it afterwards became the subject of much litigation in the courts of justice, and of long negotiation between the two nations to determine in what light those payments were to be considered as between those debtors and their creditors. It was finally determined, that as between them, such payments into the treasury were not to be deemed a satisfaction of those debts in any way. (*x*) And, in consequence

(*u*) Daubigny *v.* Davallon, 2 Anstr. 463; Albretcht *v.* Sussmann, 2 Ves. & B. 328.—(*w*) February, 1777, ch. 15, s. 7.—(*x*) Dulany *v.* Wells, 3 H. & McH. 20; The State of Georgia *v.* Brailsford, 3 Dall. 1; Ware *v.* Hylton, 3 Dall. 199; The Commonwealth *v.* Walker, 1 Hen. & Mun. 144; 4 Secret Jour. Cong. 206; 6 Southern Review, 498.