

of that final determination, Maryland, by sundry resolutions, authorized the debtors to withdraw the amounts paid by them, respectively. (y) But all that relates to this view of the subject of this enactment is entirely foreign to the matter now under consideration.

This eleventh section of the act of October, 1780, ch. 5, applied to nothing but the *debts* due to the *Mollisons* from the citizens of Maryland; under which it appears, that some of their debtors actually made payments into the treasury during the year 1781, to the amount of about \$9,000; and the acts of April, 1782, ch. 46, and November, 1782, ch. 18, which, as it would seem, have been erroneously treated as private acts, after reciting that *Thomas Contee* had been the factor and agent of the *Mollisons*, clothes him with full power to collect all debts due to them, for the benefit of their creditors, and to pay into the public treasury the balance by him collected. These special acts were, soon after the peace of 1783, repealed. (z)

But the general law of 1780, as well as these special acts of 1782, without at all affecting any remedy which *Hepburn* had against the *Mollisons'* personalty, or any other portions of their property, did in the most explicit terms preserve, and even improve all his remedies against their debts which were the subject of those enactments. For, it is expressly declared by the general law, that all sums of money so paid into the treasury should be 'liable to the attachment of creditors;' and it is positively provided by the special acts, that nothing therein contained should affect the creditor's right to proceed by attachment. *Hepburn*, as a creditor of the *Mollisons*, could have reached their debts, for the purpose of obtaining satisfaction of his own claim, in no other mode than by an attachment, making their debtors garnishees; and here it is distinctly declared, that the state may, in effect, be made a garnishee under certain circumstances, in place of the debtors. So far then the direction of the remedy was changed; but it was, in fact, thereby much improved; because, it was more easy to ascertain whether the state held any thing, and how much, than any individual who might be summoned as garnishee. (a)

It was declared, that no book, papers, or evidences of debts due to British subjects, such as the *Mollisons* then were, should be

(y) Resol. 1797, No. 14 and 15; Resol. 1798, No. 30; 4 Secret Jour. Cong. 200.—
(z) 1784, ch. 74.—(a) *Ware v. Hylton*, 3 Dall. 268.