

C H A P.
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or trespass, at the third court, unless the judges shall be satisfied that there is a necessity for the continuance of the cause, for the sake of justice being done to the parties.

Bond not necessary, &c.

V. AND BE IT ENACTED, That in case of replevin by the state, no bond shall be necessary for obtaining such writ; and the sheriff may suffer the goods and chattels to remain in the possession of such party, if he will give bond, with good and sufficient security, to deliver the goods and chattels, in such replevin mentioned, to the said commissioners, if a delivery thereof shall be adjudged, on the return of such replevin, or upon the trial thereof, and shall pay all damages and costs for which judgment shall be given in such replevin; and every sheriff, taking such bond, shall be liable for the value of the goods and chattels, damages and costs, aforesaid, in case of insufficiency of the principal and securities to comply with the terms of the bond aforesaid; and the court before whom such replevin shall be returned may, at the return court, inquire whether the defendant, against whom such replevin shall issue, came to the possession of the goods and chattels in such replevin mentioned fairly, by gift, purchase or otherwise, or by fraud, deceit, collusion or force; and if the court shall be of opinion that such defendant came by the possession of such goods and chattels fairly, then the court shall order that the said goods and chattels remain in the hands of the defendant, in case where bond has by him been given as aforesaid, until the property of such goods and chattels shall be determined; and in case no bond has been given, and the commissioners have taken possession of the goods and chattels, and the court, on the return of such replevin, shall, upon inquiry, be of opinion that the person against whom such replevin shall issue came fairly by the possession of the goods and chattels aforesaid, a return of such goods and chattels shall be ordered to the defendant, upon his entering into recognizance, with security, to abide by and perform the judgment of the court upon the trial of such replevin; but in case the court, on the return of such replevin, shall, upon inquiry, be of opinion that the defendant in such replevin came to the possession of the goods and chattels therein mentioned by deceit, fraud, collusion or force, then the court may order the goods and chattels to be delivered to the commissioners, where the goods and chattels have been suffered to remain in the possession of the defendant, in consequence of giving bond as aforesaid; and in case the goods and chattels have been delivered to the commissioners, and the court shall be of opinion, on the return of the replevin, that the defendant came to the possession of the goods and chattels therein mentioned by deceit, fraud, collusion or force, a return of such goods and chattels shall not be ordered to such defendant, but the same shall remain in the possession of the commissioners, until a trial of the property shall be had, and judgment thereon given.

Purchases confirmed, &c.

VI. AND BE IT ENACTED, That the purchases of British confiscated property, heretofore made by or on behalf of the commissioners appointed to preserve and sell the said property, shall be and are hereby confirmed; and the sale of the land late of Anthony Richardson, lying in Caroline county, to Henry Dickinson, shall be and is hereby confirmed, as if made by any other person.

Bills in chancery may be filed, &c.

VII. AND BE IT ENACTED, That the commissioners aforesaid, in case they shall have good reason to believe that the state is entitled to the equity of redemption of any property mortgaged for less than the value by any British subject whose estate is confiscated, or that any property hath been mortgaged to any such British subject, the said commissioners shall file a bill in chancery, for redemption upon, or foreclosure of, such mortgage, and such proceedings shall be had thereon as are usual in such cases, and a decree shall be made as soon as can be with justice to the state and the party.

Commissioners may compromise, &c.

VIII. AND BE IT ENACTED, That in any claim, action or suit, at law or in equity, made or brought by the commissioners aforesaid, for or on behalf of the state, against any person who claims title to, and has come fairly into the possession of, the property, by gift, purchase or otherwise, and upon any mortgage aforesaid, made to or by any British subject aforesaid, it shall and may be lawful for the said commissioners to make and enter into such composition, compromise or agreement, with the person or persons in possession of such property; or who are interested in such mortgage, as the commissioners, upon consideration of the circumstances of the case, may think just and reasonable; and if the intendan shall approve of such composition, compromise or agreement, and upon a compliance with the terms thereof by the party, the said commissioners may transfer and release to him the claim and interest of the state in such property, and may give a final discharge of such mortgage.

Persons not complying may be sued, &c.

IX. AND BE IT ENACTED, That where any person hath purchased, or shall hereafter purchase, public property of the said commissioners, and shall not comply with the terms of sale, by giving bond as required, or by non-payment at the time limited, (and no provision hath been already made in such cases,) the said commissioners may sue such purchaser in their names, (endorsing on the writ that the action is brought for the use of the state,) for the sum due, and may declare for so much money