

OSWALD, administrator, *v.* STATE OF NEW YORK.*Return of process.*

Return of process will be enforced, by rule on the marshal

SJMONS. *Ingersoll* moved for a rule on the marshal of the district of New York, to return the writ in this cause; and, after advisement, THE COURT granted the rule in the following terms:

Ordered, That the marshal of New York district return the writ to him directed in this cause, before the adjournment of this court, if a copy of this rule shall be seasonably served upon him, or his deputy, or, otherwise, on the first day of the next term. And that in case of a default, he do show cause therefor, by affidavit taken before one of the judges of the United States.

STATE OF GEORGIA *v.* BRAILSFORD *et al.**Injunction.*

An injunction granted, to restrain the marshal from paying over money, collected by execution, until the right of the complainant to the same (which could not be decided in the original suit) should be determined.

THIS was a bill in equity, filed by "His Excellency Edward Telfair, Esq., governor and commander-in-chief in and over the state of Georgia, in behalf of the said state, complainant," against Samuel Brailsford, Robert Wm. Powell, and John Hopton, merchants and copartners, and James Spaulding, surviving partner of Kelsall & Spalding, defendants. The bill set forth the following case:

"That on the 4th of May 1782, the State of Georgia being then free, sovereign and independent, enacted a law entitled 'An act for inflicting penalties on, and confiscating the estates of, such persons as are therein *403] declared *guilty of treason, and for other purposes therein mentioned.' That, among other things, the law contained the following clauses: 'And whereas, there are divers estates and other property within this state, belonging to persons who have been declared guilty, or convicted, in one or other of the United States, of offences which have induced a confiscation of their estates or property within the state of which they were citizens: Be it, therefore, enacted, by the authority aforesaid, that all and singular the estates, both real and personal, of persons under this description, of whatsoever kind or nature, together with all rights and titles, which they may, do or shall hold, in law or equity, or others in trust for them, and also all the debts, dues and demands, due or owing to British merchants, or others, residing in Great Britain (which shall be appropriated as hereinafter mentioned), owing or accruing to them, be confiscated to and for the use and benefit of this state, in like manner and form of forfeiture as they were subjected to in the states of which they respectively were citizens, and the moneys arising from the sales which shall take place, by virtue and in pursuance of this act, to be applied to such uses and purposes as the legislature shall hereafter direct.

"And be it further enacted, that all debts, dues and demands, due or owing to merchants or others residing in Great Britain, be and they are hereby *sequestered*, and the commissioners appointed under this act, or a majority of