of them before the passage of this Act

True copy from the original Bill rejected by the General Assembly of Maryland November session 1803

Wm Harwood Cl Ho Del

It is admitted an application was made to obtain the proposed Law, and that the aforegoing is a true copy thereof

Jno. Johnson

Nr. Ridgely for State

Susana French and Others against The State and James Clark	In Chancery February Term 1808

This cause was argued by the counsel for the complainants and the counsel appointed on behalf of the State (the Attorney General been originally employed by the complainants) at July term 1807 since which on suggestions made by the Court, the commission has been sent back for the examination of James Clarke the defendant and certain papers purporting to be applications to the Executive and to the General Assembly respecting the property in question have been admitted in the manner expressed in writing thereon.

At the present term the case was submitted on the former argument and has been attentively considered –

The Chancellor has found some difficulty in making up his mind in this suit, because altho the circumstances taken together are such as appear sufficient to prevent the complainants from being intitled to relief yet the points most directly proved are apparently favourable to them – Thus it appears by the bond of conveyance exhibited, that Thomas French did contract with James Clarke the defendant to sell to him the several tracts of land particularized on the back of the said bond for £1900 current money and that James Clarke paid him on the next day 978 dollars in part of the said sum – and the receipts exhibited shew that he afterwards paid him the residue, but whether a bond was executed for the purchase money rests on the evidence of James Clarke (as taken on the first commission) alone

The inadequacy of the price, supposing it to appear as alledged on behalf of the State would not of itself invalidate the contract and therefore there is so far no apparent objection to its being carried into effect

But it is contended by the counsel for the State, that this was not a bona fide sale but a colourable and fraudulent transaction for the purpose of securing the property from confiscation a otherwise and the same ground appears, from the interrogatories filed, to have been taken by the then Attorney General, and in examining this point it will be necessary to take a full view of the situation of the parties, and the several circumstances attending the transaction, among which the price given in depreciated money may be considered as of some importance

It appears then that Thomas French sold a number of tracts of land in different parts of the State amounting to nearly 4000 acres for the sum of £1900 – at a time when (without requiring evidence of the actual value of the money) the Court may take notice as of a public event – that it was considerably depreciated – There is no evidence that James Clarke ever used or occupied these lands or any of them, or paid the taxes or exercised any other Act of ownership and his own testimony as far as it is received will shew that he did not

The present bill appears to have been filed under the act of 1799 ch 79 the 7th section of which provides that where land hath been confiscated as the property of a British subject any person having a claim to the said land or a lien or charge upon the same or a title in equity may bring a suit against the State – And that in the Chancery Court there shall be the same proceedings between the complainant and the Attorney General (who is made the defendant in behalf of the State) as might have been between the complainant and the person whose title hath devolved on the State

Supposing then that Thomas French had remained in the State till his death and that a suit had been brought in 1805 the time of bringing the present suit) against his heirs for a conveyance It is to be presumed that circumstances herein before stated to wit, the want of possession or occupation by Clarke together with