

at any future period, putting the case of a sale of land made about the time of the failure of the bank by one of the parties named in the clause, and that that sale be not questioned or impugned by the bank commissioners, for the seller, or his heirs, or representatives, after the affairs of the bank were entirely closed (if it please the sovereign will of the commissioners that they ever are to be closed,) to bring an ejectment and recover the land from the then possessors, perhaps in the third or fourth hand, by proving under this act, that the original title to it was "fraudulent, void, and of none effect." Another effect of it, is actually to destroy the securities which some of the directors gave to the bank, in order to cover the sums for which they had become indebted; namely, various mortgages upon real estate, which were executed soon after the failure of the bank, and consequently in full view and contemplation of that well known fact. They were drawn and executed under the immediate advice and direction of the law-officer of the bank and were doubtless given and taken in good faith; but a mortgage, being a conditional sale and conveyance of property, is within the comprehensive terms of "all sale, conveyance, or transfer of property whatsoever." These mortgages therefore are also directly and unequivocally declared to be "fraudulent, void, and of none effect;" a notable instance of the foresight and providence with which this strange bill has been framed.

But if these are, or would be, its effects as to bygone sales and transfers of property, how much more arbitrary, tyrannical, and injurious are they, when we look upon the interdiction it places upon the persons named in it, not to sell, convey or transfer, thereafter, any of their private property or estates, without the consent in writing, of the commissioners. Here, indeed, I will allow the legislature have not overstepped their powers, and that it was competent for them to pass such an act; but its hardship, injustice, and tyrannous nature must be obvious. It is like the wand of a sorcerer, an excommunication from the church, or an act of outlawry, indiscriminately acting upon the innocent and the guilty. These men can not lawfully dispose of a single stick of timber, a loaf of sugar, a pound of tea, or a galloon of beer, without the written permission of the commissioners. It ties up their hands, prohibits them from following their mercantile occupations; and is not limited in point of time, but is to last "till the final adjustment of the said affairs of the said bank," and how many years that may be, God only knows.

In fine, the absurdity, inconsistency, injustice, immorality, and insufficiency of the act appear so great that I can not better conclude this extended article, than by applying to it the words of Cicero;

*Ea lege quid iniquius dici aut cogitari possset, ignoro.*

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