

II. **And be it enacted,** That in all cases where the commissioners shall hereafter take into possession real or personal property supposed to belong to the state, every person claiming any right or interest in the same, shall deliver to the commissioners in writing his claim to the said property, within one year after the commissioners shall take the said property into their possession, and shall commence and prosecute his action within six months thereafter; all which actions shall be brought against the state as defendant, by issuing a summons in personal actions, directed to the commissioners, or any one of them, or to the attorney-general, and sending with such summons a short note expressing the cause of action, and in ejectments, by sending a copy, to be delivered to either of the commissioners, or to the attorney-general.

C H A P.
LX.
Hereafter, in
one year, &c.

III. **And be it enacted,** That every person who shall neglect to deliver in his claim as aforesaid, or who shall neglect to prosecute his action as above provided, shall for ever be barred of all his right and interest in such property so taken into possession by the commissioners, saving to infants, *feme covert*s, persons out of the state, in prison, or of unsound mind, their right for one year after disability removed.

Persons ne-
glecting, bar-
red of right,
&c.

IV. **And be it enacted,** That in all cases where the commissioners, upon examination, have reason to believe that the state is entitled to real or personal property in the possession of any persons claiming the same, they shall, for the recovery of personal property, prosecute in the general court (or in the county court if of small value) actions of trover or replevin, in the name of the state, in which it shall be sufficient to lay the property in the state, and to give in evidence, that the things for which the suit is prosecuted were the property of some person whose estate is forfeited or confiscated, and that the state is entitled to the same by forfeiture or confiscation; and for the recovery of real property, they shall in like manner prosecute an ejectment in the general court in the name of the state, alleging the demise to have been made by the state, in which it shall be sufficient to prove the lands or tenements for which the ejectment is brought were the property of some person whose estate is forfeited or confiscated, and that the state became entitled thereto by forfeiture or confiscation; in all which actions, the cause of action shall be endorsed on, or a declaration sent with, the writ; and a trial in personal actions shall be had at the imparlance court, and in actions of ejectment 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.

Actions of
trover may be
prosecuted,
&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

Bond not ne-
cessary, &c.