(XLVIIth YEAR.) THE (No. 2351.)

MARYLAND GAZETTE.

THURSDAY, FEBRUARY 2, 1792.

An ACT to appoint an agent for the year one thousand seven hundred and ninety-two, and for other purposes.

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BE IT ENACTED, by the General Assembly of Maryland, That Randolph Brandt Latimer be agent of this state, to execute the trust and power reposed in him by virtue of this act, from the first day of January, in the year seventeen hundred and ninety-two, until the first day of January, in the year seventeen hundred and ninety-three.

And be it enacted, That the said agent superintend the collection of all arrearages and balances due from the several collectors of the respective counties within this state, appointed since the first day of January, seventeen hundred and eighty-three; and the said agent is hereby authorised and required to call upon the treasurers of the respective shores for an accurate statement of all the arrearages and balances due from such collectors, and such account shall be furnished by the said treasurers accordingly.

And be it enacted, That the said agent, with the approbation of the governor and the council, may thereupon apportion such arrearages and balances into such reasonable parts as he shall think most proper and effectual for securing the collection thereof, and may also limit such reasonable periods for the payment of such respective parts of the said arrearages and balances as shall appear to him most proper and available to that end, and immediately thereafter he shall cause full notice of these proceedings to be given in writing to each respective collector so in arrears for the said taxes, and to his securities, and shall require them severally to pay into the treasury of the respective shores such parts of the said arrearages and balances as he shall have so apportioned, by the respective periods limited by him for the payment thereof; and if any such collector, or his securities, shall refuse or neglect to comply with the requisitions of the said agent, it shall and may be lawful for the said agent, and he is hereby authorised and required, to proceed by execution, in the most effectual manner, against each and every defaulter, so as to insure the payment of all the arrearages and balances due, or such part thereof as he shall think proper, having a just regard to the circumstances of each respective case; and the said agent shall proceed from time to time in discharge of the duties required of him by this act, or otherwise, as he shall find most advisable for promoting the payment and collection of the said arrearages and balances; provided, that no indulgence shall be given to any of the said collectors beyond the first day of January, seventeen hundred and ninety-three.

And, whereas the late agent, on compromises with several collectors, received from such collectors in payment, either for the whole or part of their arrearages, bonds due from and judgments against certain individuals, *Be it enacted,* That such debtors on bond or judgment, received as aforesaid, shall be and they are hereby allowed to pay the same as follows, to wit: one fifth of the principal, with all arrears of interest, on or before the first day of September, seventeen hundred and ninety-two, one other fifth of the principal, with the interest on the whole debt then unpaid, on or before the first day of September, seventeen hundred and ninety-three, and so on until the whole debt and interest shall be discharged; provided, that the said agent shall be authorised and required to limit a time within which any such debtor shall give new bond and security, if necessary, and that in default of the same being given as required, the said agent shall cause the necessary process to issue for the recovery of the whole debt and interest; and provided also, that if any such debtor shall fail in making his first or any subsequent payment agreeably to this act, process shall issue for the recovery of the whole debt and interest as aforesaid.

And be it enacted, That the said agent be authorised to superintend the collection of all balances due to the state on open account; and the said agent shall have power to require payment of, and if necessary to sue for the same; and the said agent, with the approbation of the governor and council, may make composition with any such debtors, and take bonds to the state, with sufficient security, and give time for payment not exceeding five years, always requiring annual payment of the interest, and equal annual payments of the principal.

And be it enacted, That the said agent be authorised to superintend the collection of all monies due the state for duties, fines, penalties, forfeitures and forfeited recognizances and amerciaments, and for ordinary, retailers and marriage licences; and to require payment, and (if necessary) sue for the same; and the said agent may allow for insolvencies, and credit any money that the party is not chargeable with by law; and for his information of the law he shall take the advice of the attorney-general in writing.

And be it enacted, That whenever there shall be occasion to expose to public sale the property of any collector, or his securities, by virtue of any execution already issued, or to be directed for this purpose, the agent shall cause public notice to be given of such sale, and shall attend the same, and, if necessary, shall purchase any property so exposed for the use of the state, in payment, or part payment, as the case may be, of the arrearages due by the collectors whose property may be so purchased; and any property so purchased for the use of the state, the said agent may again expose to public auction on the most advantageous terms for the interest of the state, and if the same be sold on credit, the said agent shall take bond, with good and sufficient security, to be approved of by the treasurer of the western shore, from the several purchasers of such property; and all bonds by him so taken shall be deposited, with an accurate list thereof subscribed by him, into the treasury of the western shore, and shall be a lien upon the real property of such purchasers and their securities from their respective dates.

And be it enacted, That the said agent shall have power to dispose of all confiscated British property that remains unsold, and take bonds to the state, with sufficient security, and give time for payment not exceeding five years, always requiring annual payment of the interest, and equal annual payments of the principal.

And, whereas considerable sums are due this state upon sales of confiscated British property unbonded for, and it appears to this general assembly that in many cases the purchasers are unable to make payment, and the property is becoming daily of less value, *Be it enacted,* That the said agent, with the approbation of the governor and council, be authorised to release the said purchasers who are unable to pay from their purchases, and take back the property for the use of the state; and the said agent, with the approbation of the governor and council, may make composition with the said purchasers for the use of the said property, and take bonds for the same to the state, with sufficient security, and give time for payment not exceeding five years, always requiring annual payment of the interest, and equal annual payments of the principal; and any property taken back the said agent shall dispose of in the same manner as he is before authorised to dispose of confiscated British property unsold, and to take bonds in the same manner for the purchase money, and on the same credit and terms; provided, that in no case the state shall refund any part of the principal or interest paid by such purchasers.

And be it enacted, That the governor and council be required to examine into any representation made to them by purchasers of confiscated property who have bonded but not installed, and may release the said purchasers from their purchases, where they and their securities are unable to pay, and take back the property for the use of the state; and the said agent, with the approbation of the governor and council, may make composition with the said purchasers, and their securities, for the use of the said property, and take bonds for the same to the state, with sufficient security, and give time for payment not exceeding five years, always requiring annual payment of the interest, and equal annual payment of the principal; provided, that in no case the state shall refund any part of the principal or interest paid by such purchasers; and any property so taken back the said agent shall dispose of in the same manner as he is before authorised to dispose of confiscated British property remaining unsold, and to take bonds in the same manner for the purchase money, and on the same credit and terms.

And be it enacted, That all debtors for confiscated property on bond, who shall not be released from their purchases by the governor and council, and others, who have or might have installed under the act relating to the debtors and creditors of this state, shall be permitted to discharge their debts as follows; that is to say, all arrears of interest up to the first day of December, seventeen hundred and ninety, and two thirds of the principal, in specie, or in depreciation or other liquidated state certificates, or in stock created under the act of congress bearing an immediate interest of six per cent. one third of the principal, in specie, or in stock created under the said act bearing an interest of six per cent. after the year eighteen hundred, and all interest accruing after the said first day of December, seventeen hundred and ninety, in specie only; provided, that no debtor who has already availed himself of the privilege of paying one third of his principal debt in deferred stock of the United States, in virtue of the act of last session of assembly, shall be allowed to make any further payment in such stock; and that no debtor who has paid any less proportion of his principal in such stock, shall be allowed to make any additional payment in the same farther than to complete the amount of one third of his principal debt; and the times of payment shall be as follows, to wit: one fifth of the principal, and all arrears of interest, shall be paid on or before the first day of December, seventeen and ninety-two; one other fifth of the principal, and the interest upon the whole debt then unpaid, on or before the first day of December, seventeen hundred and ninety-three, and so annually till the whole debt and interest be discharged.

Provided always, and be it enacted, That the governor and council be authorised, when they shall think it necessary, to require new bond and security from any debtor who has not installed, to limit a time within which such new bond and security shall be given, and if the same be not given within the time so limited, they shall direct the said agent to cause process to issue on the bonds of such debtors, and their securities, or to proceed on any execution already issued and served and suspended, as the case may require, for the whole principal and interest due from such debtors.

And be it enacted, That if any of the said bond debtors shall neglect to make their first payment, or any subsequent payment, agreeably this act, the said agent shall cause process to be issued for the whole principal and interest then due, or shall proceed on any execution already issued and served and suspended as aforesaid, as occasion may require.

And be it enacted, That the said agent be authorised to superintend the collection of all balances due on bonds taken for taxes due before the first of January, seventeen hundred and eighty-three; and the said agent shall also superintend the collection of all balances due on bonds installed, or otherwise, for the emissions of paper money of seventeen hundred and sixty-nine and seventeen hundred and seventy-three.

And be it enacted, That in all cases where bonds shall be taken in consequence of this act, the said bonds shall be a lien on all the real property of the obligors from the date thereof, or on so much of the said real property as the governor and council shall think fully sufficient, to be particularly mentioned in a schedule to be annexed to the said bond, in which case it shall be a lien on the property contained in such schedule, and no more, such bond and schedule to be lodged with the treasurer of the western shore.

And be it enacted, That in every case where the said agent shall grant any indulgence to a collector in virtue of this act, it shall always be on the terms of such collector's paying three fifths of the sum required by the said agent to be paid by such collector in specie.

And be it enacted, That the said agent shall have power to fix such days for the sale of property taken on fieri facias at the suit of the state as he may think proper, always taking care to give twenty days notice thereof.

And be it enacted, That no process shall issue against any of the collectors aforesaid since the first of January seventeen hundred and eighty-three, unless by the direction of the said agent.

And be it enacted, That no process shall issue against any debtor on bond for confiscated British property until the first of September, seventeen hundred and ninety-two, except against such debtors as have not installed, and neglected to give new bond and security, if required by the governor and council as aforesaid; and that no process shall issue against any debtor, on bond or judgment received on compromise by the late agent, as aforesaid, until the said first day of September, except against such as neglect to give new bond and security, if required by the said agent, as aforesaid.

And be it enacted, That the said agent shall pay into the treasury, in specie, the amount of all specie by him received in the discharge of the duties of this act.

And, whereas in some counties no collectors of the said fund tax have been appointed, and in others those who have been appointed have declined to act, *Be it enacted,* That it shall be lawful for the said agent to agree with and appoint a collector of the said tax in any county where there shall be no collector appointed, who shall give security for the performance of his duty agreeably to law; and the collectors so appointed by the said agent shall give security, to be approved of by the said agent, for the performance of their duty respectively, and shall proceed to act in the same manner, and be liable to the same duties in all respects, as if they had been appointed by the commissioners.

And be it enacted, That the said agent shall render a fair and full account of his several proceedings under the authority of this act to the general assembly at their next session, and shall be allowed for his services the following commissions, to wit: For all payments made to either of the treasurers on bonds for confiscated property, one and a half per cent. for all bonds with security taken by the said agent on sales of confiscated property in virtue of this act, two and a half per cent. for all monies collected on open account, three per cent. and for all other monies or bonds paid in or taken in virtue of this act, two per cent.

And be it enacted, That the said agent, before he enters upon the execution of the duties of this act, shall give bond to the state, before the governor and the council, in the penalty of twenty thousand pounds current money, with such securities as the governor