(XLIXth YEAR.) THE (No. 2454.)

MARYLAND GAZETTE.

THURSDAY, JANUARY 23, 1794.

An ACT to appoint an agent for the year one thousand seven hundred and ninety-four.

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, one thousand seven hundred and ninety-four, until the first day of January, one thousand seven hundred and ninety-five.

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 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 be authorised to superintend the collection of all balances due to the state on the auditor's books; and the said agent shall have power to require payment of, and if necessary to sue for and recover 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 three years from the first day of December, seventeen hundred and ninety-three, 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 to the state for duties, fines, penalties, forfeitures and amerciaments, and forfeited recognizances, and for ordinary, retailers and marriage licences, and to require payment, and (if necessary) sue for and recover 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 may take the advice of the attorney general.

And be it enacted, That wherever there shall be occasion to expose to 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 it shall appear that there is danger of losing any part of the debt due to the state, and not otherwise, shall purchase any property so exposed to sale 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 use 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 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 the respective dates, or so much thereof as is mentioned in the schedule thereto annexed.

And be it enacted, That the said agent shall have power to dispose of all confiscated British property that remains unsold, except the property of Edmund Jennings, of the city of London, and of Thomas Digges, formerly of Maryland, but now residing in Europe, and take bonds to the state, with sufficient security, and give time for payment, not exceeding three years from the first day of December, seventeen hundred and ninety-three, always requiring annual payment of the interest, and equal annual payments of the principal.

And, whereas there are still some balances due to this state upon sales of confiscated property unbonded for, and it appears to this general assembly that in some 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 any of 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 three years from the first day of December, seventeen hundred and ninety-three, always requiring an 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 shall the state refund any part of the principal or interest paid by such purchasers.

And be it enacted, That the governor and council be authorised, if they shall think it necessary, to require new bond and security from any debtor who has not installed, and 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 limitted, 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 in all such cases it shall be lawful for the said agent, and he is hereby authorised, under the direction of the governor and council, if they shall think it to the advantage of the state, to take back the said property and dispose of the same on a credit of three years from the first day of December, seventeen hundred and ninety-three, always requiring annual payment of interest, and equal annual payments of the principal; and in all such cases where judgments may have been obtained, and where execution may have issued or shall issue, it shall and may be lawful for the said agent, and he is hereby required to dispose of all the property of the debtors thus circumstanced, on a like credit of three years from the first day of December, seventeen hundred and ninety-three, always requiring annual payment of the interest, and equal annual payments of the principal. And the said agent shall lay before the legislature at their next meeting, a list of all persons from whom property shall be taken back by virtue of this act, together with the amount of the former sales, and also of the sales made in virtue of this act.

And be it enacted, That if any bond debtor to the state, for confiscated property purchased, or otherwise, shall neglect to make payment, agreeably to the condition of his bond, and sundry resolves of the general assembly, the said agent shall cause process to issue 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 no process shall issue against any of the public debtors, unless by the direction of the said agent.

And be it enacted, That the said agent shall have power to fix such days for the sale of property, taken by fieri facias at the suit of the state, as he may think proper, always taking care to give at least twenty days notice thereof; and the said agent shall also have power to suspend the sales, from time to time, as he may think most to the advantage of the state.

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 be it enacted, That in all cases where bonds shall be taken in virtue of this act, the 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 the council shall think 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 all bonds taken in virtue of this act shall express the county in which the obligors respectively reside, and the treasurer of the western shore shall, within one month after he receives them, respectively cause them, with the schedules annexed to them, to be recorded in the office of the clerk of the general court of the western shore at the expence of the obligors; and a copy of the said record, certified under the hand and official seal of the said clerk, shall be as good evidence in any court of law or equity in this state as the original bond would be if it was produced; and if any of the obligors in any such bonds reside on the eastern shore, the said treasurer shall, within six months from the time he receives the same respectively, transmit to the clerk of the general court of the eastern shore, in the same manner that papers on public service are transmitted, a copy of such bonds and schedules, certified as aforesaid by the clerk of the general court of the western shore, to be recorded in the office of the clerk of the general court of the eastern shore, at the expence of the obligors, and in such case a copy of the said record, certified as aforesaid by the the said clerk of the general court of the eastern shore, shall be good evidence as aforesaid.

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 per cent. for all bonds with security, taken by the said agent on resales of confiscated property in virtue of this act, two and a half per cent. for all monies collected on open account, not including fines, forfeitures and amerciaments, ordinary, retailers, marriage, hawkers and pedlars licences, which have become due since the first day of January, seventeen hundred and ninety-one, six per cent. and for all other monies or bonds, paid in or taken in virtue of this act, one and a half 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 security as the governor and council shall approve, for the faithful performance of the said duties, which bond shall be lodged with the treasurer of the western shore, and shall also take an oath before the chancellor, that he will well and faithfully discharge the duties of agent, under the act, entitled, "An act to appoint an agent for the year one thousand seven hundred and ninety-four," to the best of his skill and judgment; the certificate of which oath shall be annexed to, or endorsed on, the said bond.

And be it enacted, That if the said agent shall not accept his appointment, or if after acceptance he shall not give bond and take the oath aforesaid before the first day of February next, or shall die, the governor and the council are hereby authorised and requested to appoint a fit and proper person in his place, who shall have and execute all the authorities and powers vested in the said Randolph Brandt Latimer by this act, such person first giving security and taking the oath aforesaid.

In COUNCIL, January 6, 1794.

ORDERED, That the act to appoint an agent for the year one thousand seven hundred and ninety-four, be inserted in Mr. Green's, Mr. Angel's and Mr. Cowan's papers, six weeks.

ORDERED, That all debtors to this state for the purchase of confiscated British property, and others who might have installed their debts under the act of assembly passed November session, 1790, entitled, An act respecting the creditors and debtors of this state, and who neglected to comply with the terms of the said act, be and they are hereby required to instal all such debts on or before the first day of May next.

ORDERED, That the agent be and he is hereby required, immediately after the said first day of May next, to cause process to issue on the bonds of such debtors as shall neglect to instal within the time above limitted, and their securities, or to proceed on any execution already issued and served and suspended, or otherwise, as the case may require, for the recovery of the whole principal and interest due from such debtors.

By order,

JOHN KILTY, clk.

NOTICE.

THE debtors to the state of Maryland who have not availed themselves of the benefit of the different instalment laws, will be pleased to pay particular attention to the above notice given by the executive; by installing their debts they not only have a credit of three years from the first day of December last, paying one third annually, but also a considerable advantage in the purchase of paper, which will answer their purpose for payment equal with specie.

Those debtors who have installed their debts, and whose instalments became due on the first of September and December last, are respectfully informed that process will issue against every delinquent immediately after the 10th day of February next. It was hoped that the notice given by the agent on the 8th of January, 1793, would have been a sufficient caution to the several county clerks to induce them to make their payments for licences on the first of November annually, and their returns of fines, forfeitures, &c. &c. put into the hands of the several sheriffs for collection; there is no excuse for delay of payment by the clerks, because the money is received by them in court, and unless complete returns are made, and full payments had, by the 10th day of February next, I shall be under the disagreeable necessity of not only commencing suits, or issuing execution, as the case may require, but of proceeding against them, as the law prescribes, for neglect of duty. The several sheriffs, who are in arrears, are also informed that proceedings will be had against them immediately after the said 10th day of February next, for such balances as remain then unpaid.

RANDOLPH B. LATIMER, Agent
for the State of Maryland.

Annapolis, January 6, 1794. 2