

MARYLAND GAZETTE.

T H U R S D A Y, JANUARY 15, 1795.

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

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

II. 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 authorized 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.

III. And be it enacted, That the said agent be authorized to superintend the collection of all balances due to the state on the auditor's books, or on open account; 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-four, always requiring annual payment of the interest, and equal annual payments of the principal.

IV. And be it enacted, That the said agent be authorized to superintend the collection of all monies due to the state for duties, fines, penalties, forfeitures and emerciements, 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 advice of the attorney-general in writing.

V. 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 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.

VI. 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-four, always requiring annual payment of the interest, and equal annual payments of the principal.

VII. And be it enacted, That the governor and council be authorized to require new bond and security from every purchaser of confiscated or other property sold by this state, who has not heretofore installed for the same; and provided the said purchaser or his securities, or either of them, do not, on or before the first day of May next, of which two months notice at least shall be given in the Annapolis, Easton, Frederick, and one of the Baltimore news-papers, come in and install the same with the agent of this state, that then in all such cases it shall and may be lawful for the agent, and he is hereby authorized and required, to enter upon and take back the said property and for the use of the state, and as early as practicable thereafter to dispose of the same, on a credit of three years from the first day of December next, always requiring annual payments of the whole interest, and equal annual payments of the principal; which bonds, when taken, shall be a lien on the real estate of the purchaser and his securities; and the said agent shall lay before the legislature, at their next session, a list of all persons from whom property shall

be taken back in virtue of this act, the amount of the former sales, and also the amount of sales in pursuance of this act; and the said agent, with the approbation of the governor and council, may make composition with the purchasers of said property so taken back, for the value of the annual use of the said land while in the possession of such purchaser or purchasers; and in cases where the said purchaser is of sufficient ability to pay for the use of the land so purchased, and shall neglect to come in and compromise the same, the agent is hereby required to institute suits for the recovery thereof.

VIII. And be it enacted, That the agent shall immediately call on and request the attorney-general to commence, and prosecute to final determination as speedily as possible, the state's right to all confiscated property which hath been or may be made known and discovered to the said agent; and the said agent shall report to the next session of assembly such suits as are or may be depending to recover the same, and also such as may then not be commenced, with the reasons assigned by the attorney-general why the same have not been commenced.

IX. 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 occasion may require, or under the direction, and with the approbation of, the governor and council, he is hereby authorized to delay any execution as long as they may think expedient and necessary.

X. And be it enacted, That the said agent be authorized 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.

XI. And be it enacted, That no process shall issue against any of the public debtors, unless by the direction of the said agent.

XII. 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 public 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.

XIII. 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.

XIV. And be it enacted, That in all cases where bonds shall be taken in virtue of this act, the bonds shall be taken 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.

XV. 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 schedule annexed to them, to be recorded in the office of the clerk of the general court of the western shore at the expense 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 as 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 expense of the obligors, and in such case a copy of the said record, certified as aforesaid by the said clerk of the general court of the eastern shore, shall be good evidence as aforesaid.

XVI. 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 sales of confiscated prop-

erty in virtue of this act, two and one half per cent. for all monies collected on open accounts, not including monies arising from fines, forfeitures and emerciements; 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 by him actually received and paid into the treasury, three per cent. and for all other bonds taken in virtue of this act, one per cent.

XVII. 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-five," to the best of his skill and judgment; the certificate of which oath shall be annexed to, or endorsed on, the said bond.

XVIII. 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 authorized 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 5, 1795.

ORDERED, That the act of the last session of assembly "to appoint an agent for the year 1795," be published eight weeks successively in the Annapolis, Easton, and Frederick news-papers, and Maryland Journal, and Baltimore Universal Daily Advertiser, and that all purchasers of confiscated or other property sold by this state, who have not heretofore installed their debts, be and they are hereby required to install the same with the agent of this state, on or before the first day of May next, in the manner prescribed by the seventh section of the said act.

Extract from the minutes,
JOHN KILTY, Clk.

By the HOUSE of DELEGATES, December 26, 1794:

1. RESOLVED, That the agent of the state immediately demand a return of the amount of the 2/6 tax for the year seventeen hundred and ninety-one from the commissioners of the tax in those counties where the same hath not been returned, and report to the next session of assembly such as refuse to make return.

2. RESOLVED, That the agent be instructed to put in suit the bonds of the clerks of the respective counties who have heretofore neglected, or who may hereafter neglect, to pay the taxes by them received for ordinary, retailers and marriage licences, on the day appointed for payment of the same, and in no case to remit the penalty of fifteen per cent. imposed by law, and accruing on such their neglect of payment.

3. RESOLVED, That the agent reduce to bond, as speedily as possible, all balances on open account due to the state in cases where the same is practicable.

4. RESOLVED, That the agent immediately call on the supervisors of the roads of the several counties of this state, who have before the first day of January, 1785, received advances of public money, and omitted to account therefor, to render an immediate account of their receipts and disbursements, with the balance remaining due, and the said agent is hereby directed to report thereon to the general assembly at their next session.

THE several county clerks who have not made their annual returns and payments on the first day of November, agreeably to law, are requested to attend to the second resolution published above. Suits will certainly be commenced against every delinquent on the 10th day of February next. The late sheriffs of the several counties are also requested to attend to their payments, or suits will be instituted against them on the aforesaid day. The debtors to the state of Maryland for confiscated property purchased, and others who have installed their debts, are also informed that process will issue against every delinquent on the aforesaid 10th day of February next, without respect to persons. The agent sincerely hopes that more attention will be paid to this than to his former notices, and that it will be received by the parties interested as it is intended, that is, to save them a considerable expense, and himself the disagreeable necessity of enforcing payment.

RANDOLPH B. LATIMER, Agent
of the State of Maryland.
Annapolis, January 6, 1795.