

MARYLAND GAZETTE

THURSDAY, JANUARY 19, 1797.

COUNCIL, JANUARY 2, 1797.

ORDERED, That the act to appoint an agent for the year one thousand seven hundred and ninety-seven, be published in the Maryland Gazette at Annapolis, the Federal Gazette at Baltimore, the Herald at Boston, and in one of the George-town and Frederick-town papers, once in each week for the term of six weeks.

NINIAN PINKNEY, Clerk of the Council.

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

Section 1. And be it enacted by the General Assembly of Maryland, That William Marbury, 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-seven, until the first day of January, one thousand seven hundred and ninety-eight.

Section 2. 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 shires for an accurate statement of all arrearages and balances due from such collectors, and such account shall be furnished by the said treasurers accordingly.

Section 3. 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 two years from the first day of January, seventeen hundred and ninety-seven.

Section 4. And be it enacted, That the said agent be authorized to superintend the collection of all monies due to the state for naval 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 advice of the attorney-general in writing.

Section 5. 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 that no purchase authorized by this act, shall be considered as made on the part of the state, unless a public declaration to that effect be made by the said agent or his deputy, immediately after such sale and purchase; 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, which shall in no case exceed the term of two years, the said agent shall take bond, with good and sufficient security, to be approved of by the treasurer of the western shires, from the purchasers of such property, and all bonds by him so taken shall be deposited with an accurate list thereof, subscribed by him, in the treasury of the western shire; 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.

Section 6. And be it enacted, That the said agent is hereby directed to dispose of at public sale all confiscated British property that remains on hand, giving at least thirty days notice thereof by public advertisement, and take bonds to the state, with sufficient security, and give time for payment, not exceeding two years from the first day of January, seventeen hundred and ninety-seven.

Section 7. And be it enacted, That the agent shall immediately, on demand, request the attorney-general to prosecute and prosecute to final determination as speedily as possible, the state's rights to all confiscated property which hath been made known and discovered to the said agent, and the said agent shall report to the next session of assembly, such facts as are or may be depending to recover the same, and also such as may be necessary to be considered, with the reasons assigned by the attorney-general, why the same have not been com-

menced; and to cause immediate notice to be given in the public papers of this state to the discoverers of confiscated property, to produce to the agent the title papers of the lands by them respectively discovered, on or before the first day of August next, in order that the same may be laid before the attorney-general for his opinion thereon.

Section 8. And be it enacted, That no payment in satisfaction by any officer or person indebted to the state shall be valid and effectual, unless made to the treasurer of the western or eastern shires, or to the agent for the time being, or unless made to the clerks and sheriffs of the several counties, in the cases where the said clerks and sheriffs are by law authorized to receive the same.

Section 9. And be it enacted, That the right, title and interest, of any and every informant or discoverer of property liable to confiscation, shall cease, determine and be utterly null and void, unless the title papers to authenticate the state's right be produced and lodged with the agent by the informant or discoverer on or before the first day of August next.

Section 10. And be it enacted, That the agent shall have full power and authority, by and with the advice and approbation of the governor and council, in all cases of uninstalled debts, to take back any property heretofore purchased by any person and not yet paid for, in cases where the person so having purchased and his securities are not capable of paying for the same, and to compromise the same upon terms and principles of equity and justice, by and with the advice and consent aforesaid, and the agent is hereby required to lay a particular statement of his proceedings under this section before the next session of assembly.

Section 11. And be it enacted, That the agent, with the approbation and consent of the governor and council, be and he is hereby authorized and empowered to compromise any suit depending in chancery with any state debtor, upon any terms in their judgment calculated to promote the interest of the state, and obtain the speedy receipt of the sums due.

Section 12. And be it enacted, That if, under the terms of any compromise made as aforesaid, the property heretofore purchased should be taken back and reverted in the state, the same may be sold by the agent, and he is hereby authorized and empowered to sell the same at public sale, on a credit of three years, giving the notice herein before mentioned, payable one third of the principal, and the whole interest annually, on the first day of December in each year; and the bonds, when taken, shall be returned to the treasurer of the western shire, and reported to the general assembly at their session next ensuing the taking of such bonds.

Section 13. And be it enacted, That all cases in chancery where no compromise under this act is effected, shall be placed under the direction of the agent, who is hereby authorized and required to call on the attorney-general to prosecute or defend the same to immediate final decision; and the governor and council are hereby authorized and empowered, at the request of the agent, in cases of difficulty, to aid the attorney-general, by employing any person to attend to surveys where necessary, or otherwise to assist in the prosecution or defence of said suits, which person or persons are to be paid out of the contingent fund of five hundred pounds; and the names of the persons so employed, together with the sum allowed for their services, to be laid before the general assembly at their next session.

Section 14. 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.

Section 15. And be it enacted, That the said agent be authorized to superintend the collection on all balances due on bond, taken for taxes due before the first day 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 emission of paper money of seventeen hundred and sixty-nine, and seventeen hundred and seventy-three.

Section 16. And be it enacted, That no process shall issue against any of the public debtors, unless by the direction of the said agent.

Section 17. And be it enacted, That the said agent shall have power to fix such days for the sale of property, taken by force of law, 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 sale, from time to time, as he may think most to the advantage of the state.

Section 18. 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.

Section 19. 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 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 shire.

Section 20. 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 shire 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 shire, 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 shire, to be recorded in the office of the clerk of the general court of the eastern shire, 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 shire, shall be good evidence as aforesaid.

Section 21. And be it enacted, That the said agent shall render to the treasurer of the western shire distinct quarterly accounts of his receipts of all money, certificates and bonds, in virtue of this act, and shall immediately thereupon pay and deliver the same to the said treasurer, who shall, in his annual report to the general assembly, state fully and particularly the money, certificates and bonds, by him received from the said agent, and the times when the same were received and accounted for.

Section 22. 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 within the first ten days after its commencement, in which account shall be specified, under distinct heads, his own receipts, and those of the treasurer, and of all transfers of stock upon which he may be entitled to commissions, and in which shall also be contained a particular estimate of his commissions, shewing how and upon what the same arose due.

Section 23. And be it enacted, That the said agent 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 property in virtue of this act, two and a half per cent, for all monies collected on open accounts, not including monies arising from fines, forfeitures and amerciaments; ordinary, retailers, marriage, hawkers and pedlers 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, provided, that the said agent shall not be entitled to any commission upon the monies arising from fines, forfeitures, amerciaments, ordinary, retailers, marriage, hawkers and pedlers licences, unless in cases where the same shall not be paid by the sheriffs and clerks respectively to the treasurer within one month after the time prescribed by law, and unless the said agent shall hereafter receive the same from the said officers respectively, and the same pay to the said treasurer.

Section 24. And be it enacted, That hereafter it shall be the duty of the agent, and the treasurer of the eastern and western shires respectively, to receive as well the fifteen per cent interest, as any that have accrued, as all other the arrearages that are now or may hereafter become due from fines, forfeitures and amerciaments, ordinary, retailers, marriage, hawkers and pedlers licences, and the fifteen per cent to be collected shall be the only fund from which the agent shall draw his three per cent on the same.

Section 25. 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 council, in the penalty of sixty thousand dollars, with sufficient 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 shire, 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