

MARYLAND GAZETTE.

THURSDAY, MARCH 22, 1798.

In COUNCIL, Annapolis, January 23, 1798.

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

By order,

NINIAN PINKNEY, Clerk
of the Council of the State
of Maryland.

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

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-eight, until the first day of January, one thousand seven hundred and ninety-nine.

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

III. And be it enacted, That the said agent be authorized to superintend the collection of balances due to the state on the auditor's books, or on open accounts; 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-eight.

IV. 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 intemperance, 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 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 issued for this purpose, the said agent shall cause at least thirty days 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 to be 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 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 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, in 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 is hereby directed to dispose of all confiscated British property that remains unsold, and take bonds to the state, with sufficient security, and give time for the payment thereof, not exceeding two years from the first day of January, one thousand seven hundred and ninety-eight, and that where the quantity of land in any one body (subject to such sale exceeds the quantity of fifty acres, such land shall be disposed of at public sale, or the time and place of which sale at least thirty days previous notice shall be given by public advertisement; and that at the time of any sale by virtue of this act, the said agent shall make known that he only sells the right of this state thereon, and that the state doth not guaranty the title to the same, or any part thereof, but that the purchase must be in all respects at the risk of the purchaser.

VII. And be it enacted, That no payment in future by any officer or person indebted to the state shall be valid and effectual, unless made to the treasurer of the western or eastern shore, 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.

VIII. And be it enacted, That the agent shall have full power and authority, by and with the advice of the governor and council, in all cases of unincurred 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.

IX. 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 to obtain the speedy receipt of the sums due.

X. 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, giving thirty days notice, on a credit of two years, payable one half 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 treasury of the western shore, and reported to the general assembly at their session next ensuing the taking of such bonds.

XI. 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 such 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.

XII. 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.

XIII. And be it enacted, That the said agent be authorized to superintend the collection of 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 intalled, or otherwise, for the emissions of paper money of seventeen hundred and sixty-nine, and seventeen hundred and seventy-three.

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

XV. And be it enacted, That the said agent shall have power to fix such days of sale of property taken by *feri 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.

XVI. 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.

XVII. 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 shore.

XVIII. 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 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 clerk of the general court of the eastern shore, shall be as good evidence as aforesaid.

XIX. And be it enacted, That the said agent shall render to the treasurer of the western shore 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.

XX. 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 commission, and in which shall also be contained a particular estimate of his commissions, shewing how and upon what the same arose due.

XXI. And be it enacted, That the said agent shall be allowed for his services the following commissions, to wit: for all payments actually made to either of the treasurers in virtue of this act, three per cent. and for all bonds with security taken by the said agent in virtue of this act, three per cent. provided that the whole amount of his commission shall not exceed five hundred pounds current money, and he shall lay an account of the same, on oath, before the next session of assembly.

XXII. And be it enacted, That hereafter it shall be the duty of the agent, and the treasurers of the western and eastern shores respectively, to receive, as well the fifteen per cent. interest, if any shall 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 which fifteen per cent. to collected, shall be the only fund out of which the agent shall draw his commission of three per cent. for collecting the same; 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 thereafter receive the same from the said officers respectively, and the same pay to the said treasurer.

XXIII. 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 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 as agent under the act, entitled, An act to appoint an agent for the year one thousand seven hundred and ninety-eight, to the best of his skill and judgment, the certificate of which oath shall be annexed to, or endorsed on, the said bond.

XXIV. And be it enacted, That if the said agent shall not accept his appointment, or if after his acceptance he shall not give bond, and take the oath aforesaid, before the first day of February next, or shall die, the governor and 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 William Marbury by this act, such person first giving security, and taking the oath aforesaid.

NOTICE TO STATE DEBTORS.

PROCESS will certainly be directed against all delinquent state debtors who fail to make their payments by the 10th day of March next.

WILLIAM MARBURY, Agent.

LONDON, January 12.

BY the Walsingham packet arrived at Falmouth from Lisbon, the following intelligence has been received:—

“ Lord St. Vincent had sent home all the men of war, except the Ville de Paris, and four frigates, the Emerald, the Lively, Aurora, &c. which were at Lisbon when the Walsingham sailed. Accounts were received at Lisbon a few days previous to the sailing of the Walsingham, that Sir John Orde, who was then cruising off Cadiz with a squadron of line of battle ships, had fallen in with a fleet of merchantmen, very richly laden, under the convoy of three Spanish line of battle ships, bound from the Havanna to Cadiz; the result was, that Sir John had captured the three Spanish line of battle ships, and greatest part, if not the whole of the fleet. The greatest credit was given to the above information at Lisbon, inasmuch that the arrival of the Spanish men of war and merchantmen were daily expected there when the packet failed from thence. Admiral Parker had hoisted his flag on board his majesty's ship Prince's Royal, and had sailed with six line of battle ships, to cruise off Cadiz; and to supercede Sir John Orde. Both squadrons would form a very strong fleet, and admiral Parker was to have the command, to cruise off and on Cadiz-bay, and watch the motions of the Spaniards lying there, but who durst not venture out, though so much superior in numbers to the British fleet. A fleet of merchant vessels had failed from Lisbon the 26th ult. under the convoy of his majesty's ship Irresistible, of 74 guns, G. Martin, and a sloop of war, for England; they consisted of 14 or 16 vessels. The emigrant army was down at Cash Kier fort, all in readiness, and expected to be embarked for England, in transports waiting to receive them, having been all marked and numbered. It was reported at Lisbon, that lord St. Vincent had declared to the court of Portugal, that in case of their refusal of supplies of provisions and water to the Bri-