

COUNCIL, ANNAPOLIS, January 23, 1803.
ORDERED, That the act, entitled, An act respecting the debts due to this state, and the debtors thereof, and for other purposes, be published once in each day, for the space of four weeks successively, in the Maryland Gazette, at Annapolis; the Baltimore American, the Telegrapher, the National Intelligencer; Mr. Smith's paper, at Easton; Mr. Bartgis's paper, at Frederick-town, and Mr. Grieves's paper, at Hagar's-town.

By order,

NINIAN PINKNEY, Clerk.

ACT respecting the debts due to this state, and the debtors thereof, and for other purposes.

BE it enacted, by the general assembly of Maryland, That the treasurers of the respective shores, with the advice and under the direction of the governor and council, be and they are hereby vested with all and singular the powers and authorities necessary for, and incident to, the demanding, requiring and obtaining, the payment of all arrearages and balances whatever due to the state from the debtors thereof; and the said treasurers of the eastern and western shores, and the auditor, are hereby severally required to furnish the governor and council, when requested, with correct statements of such arrearages and balances; and the governor and council are hereby authorized and empowered to direct suits to be commenced against such debtors of the state as they may think proper and expedient, and appoint an attorney or attorneys to prosecute and conduct any particular suit or suits, so directed to be brought and commenced as aforesaid; provided, that all debts due to the state shall be paid to the treasurers of the western or eastern shore respectively, and to no other person or persons whatsoever.

And be it enacted, That the governor and council be and they are hereby authorized and empowered to make composition with any of the debtors of the state, and direct the respective treasurers to take bonds to the state with sufficient security, and give time for payment, not exceeding two years.

And be it enacted, That the several sheriffs and clerks of the several counties shall make payment of all monies due to the state, and received by them, or which may hereafter be received by them, for fines, penalties, forfeitures and amerciaments, and forfeited recognizances, and for ordinary, retailers and marriage licences, within the time limited by law, and, if necessary, the governor and council may direct suits to be brought against any defaulting sheriff or clerk for recovery of the same, and may credit any money that the party is not chargeable with by law.

And be it enacted, That whenever there shall be occasion to expose to public sale any confiscated British property that remains unsold, or the property of any debtor to the state, or his securities, by virtue of any execution already issued, or to be issued for this purpose, the governor and council shall be and they are hereby authorized and empowered to appoint a fit and proper person to act in this behalf on the part of the state, who is hereby directed and required, before he proceeds to act, to give bond, with sufficient security, to the state, conditioned for the faithful discharge of the duties required of him; and such sales shall be made upon such public notice, and upon such terms, as the governor and council shall direct; and such person, so appointed as aforesaid to act for and in behalf of the state, in case the sale shall be directed to be made on a credit, which shall in no case exceed two years, take bond to the state, with good and sufficient security, to be approved of by the treasurers of the respective shores, from the purchasers; and all bonds taken by any person appointed as aforesaid shall be deposited, with a 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 shall be mentioned in a schedule thereto annexed; and the said treasurer shall make report of all such bonds to the next general assembly thereafter; provided nevertheless, that the said person, so appointed as aforesaid, shall, and he is hereby directed, at the time of any sale of any confiscated property in virtue of this act, to make known that he only sells the right of this state thereto, and that the state doth not guaranty the title to the same, or any part thereof, but the purchase must be in all respects at the risk of the purchaser.

And be it enacted, That in all cases of uninstalled debts, where the same shall be considered insecure, and in all cases of suits depending in chancery with any state debtors, the governor and council shall be and they are hereby authorized and empowered to make compromises upon such terms and principles as they shall think equitable and just; and if, under the terms of any compromise made as aforesaid, the property heretofore purchased shall be taken back and reverted in the state, the governor and council may appoint a fit and proper person to sell the same at public sale, upon such notice, and upon such terms, as they shall direct; and the said person so appointed, before he proceeds to act, shall give bond to the state, with sufficient security, conditioned for the faithful performance of the duties required of him, and shall take bonds to the state, with good and sufficient security, to be approved of by the treasurers of the respective shores, if such sale shall be directed to be on a credit, which shall in no case exceed two years, and the bonds, when taken, shall be deposited with the treasurer of the western shore, and reported by the treasurer to the next general assembly thereafter.

And be it enacted, That in all cases in chancery where no compromise is effected, the governor and council shall be and they are hereby authorized and

empowered to direct the attorney-general to prosecute and defend the same to immediate final decision, and in cases of difficulty, to direct aid to 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, to be paid out of the contingent fund of five hundred pounds.

And be it enacted, That if any bond debtor to the state for confiscated property, or otherwise, shall neglect to make payment agreeably to the condition of his bond, and sundry resolves of the general assembly, the governor and council may direct process to issue for the whole principal and interest then due, or may proceed on any execution against any state debtor already issued, and served and suspended, as occasion may require, or may direct any execution to be delayed as long as they may think expedient and necessary; and no process shall issue against any of the public debtors unless by the direction of the governor and council; and all sales of property taken by *feri facias* at the suit of the state, may be suspended by the governor and council from time to time, as they may think most to the advantage of the state, and may direct executions against the body of any state debtor to be entered "not called by consent."

Whereas many persons have made discoveries of British property, confiscated property, or property liable to confiscation, to the governor and council, the late intendant, and late agents of the state, and have made application to purchase the same upon the terms held out by law to the discoverers: And whereas there is no person invested with authority to estimate the value, or fix a reasonable price for the said property, and to compound with the person or persons making such discovery, or with the person or persons applying to purchase the same, **Be it enacted,** That the governor and council be and they are hereby empowered to compound with all persons who have heretofore made discovery of British property, confiscated property, or property liable to confiscation, either to the governor and council, the late intendant, or any of the state agents, and to allow not exceeding one third of the value of such property to any person or persons having made such discovery, and who shall make application to the governor and council on or before the first day of May next, to compound for and purchase the same, and the said governor and council are hereby authorized to dispose of such property to such applicants, and take bonds with good and sufficient security, to be approved of by the treasurer of the western shore, for the purchase money, bearing interest, payable to the state at the periods that may be agreed on.

And be it enacted, That if such discoverers shall not make known to the governor and council the title of the state to the property aforesaid, on or before the first day of May next, or shall refuse or neglect, on or before that day, to agree for the purchase of the same, that then the governor and council shall be and they are hereby authorized to sell and dispose of the state's right to the said property to any person or persons applying to purchase the same, or may appoint a fit and proper person as aforesaid, who shall give bond as aforesaid, to sell the same at public sale in the manner as herein before directed, without making such discoverers, who refuse or neglect as aforesaid, any compensation.

And be it enacted, That it shall and may be lawful for any person or persons purchasing as aforesaid any confiscated British property under the authority of this act, to prosecute any suit or suits, either in law or equity, in the name of the state, for recovery of said property for their use; provided that the said state shall not be liable to pay any costs incurred in prosecution of said suits, but that the same shall be paid by the person or persons for whose use said suits shall be prosecuted; and provided also, that in all such sales, so to be made by the governor and council, or under their direction and appointment, it shall be made known, and it shall be a condition thereof, that they only sell the right of the state thereto, 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.

And be it enacted, That on all sales to be made by the governor and council, and under their direction and appointment, of confiscated property, in pursuance of this act, deeds shall be executed by the chancellor to the purchaser or purchasers, in the same manner as for other confiscated property heretofore disposed of.

And be it enacted, That in all cases where bonds shall be taken in virtue of this act, such bonds shall be a lien on 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, and all such bonds shall express the county in which the obligors respectively reside; and the treasurer of the respective shores shall, within one month after they receive them respectively, cause them, with the schedules annexed to them, to be recorded in the office of the clerks of the western and eastern shores respectively, at the expense of the obligors; and a copy of said record, certified under the hand and official seal of the clerk in whose office the same record shall have been made, 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 be it enacted, That the governor and council be and they are hereby requested to make communi-

cations to the next general assembly of the several proceedings under this act.

And be it enacted, That the governor and council be and they are hereby authorized to allow to any person whom they shall think proper to appoint to sell any real property directed to be sold in virtue of this act, a sum not exceeding three per centum on the amount of any sale.

Real Estate for Sale.

By virtue of a decree of the chancery court of Maryland, the subscriber will expose to PUBLIC SALE, on Friday the 4th day of March next, on the premises, at twelve o'clock, if fair, if not on the first fair day,

ALL that tract or parcel of land, lying in Anne-Arundel county, containing two hundred and eighty-two and an half acres, whereon Mr. Philemon Brown lately resided, except the widow's right of dower; this land lies on Patuxent river, about two miles below the Fork Bridge, and has thereon a comfortable dwelling-house, and all necessary out-houses, a spring of excellent water, within a few steps of the house; the soil is well adapted to the growth of Indian corn, small grain, and tobacco; there formerly was a saw mill on said land, which, with very little expence, might be converted into a grist mill; the wood and timber growing thereon will with care last a great number of years, and part of the said land might be very easily converted into excellent meadow ground. The terms of sale of the above tract of land are, that the purchaser or purchasers shall give bond to the trustee, with two approved securities, for the payment of the purchase money, with legal interest thereon, within twelve months from the day of sale. Upon the payment of the whole of the purchase money, with interest as aforesaid, and not before, the subscriber is authorized to execute a deed for the property sold.

JOHN WELCH, Trustee.

N. B. The creditors of the said deceased are requested to lodge their claims, with the vouchers thereof, in the chancery-office, in Annapolis, on or before the day of sale.

February 5, 1803.

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J. W.

In CHANCERY, February 8, 1803.

Henry Cooksey,
against

Leonard Burch, Eleanor Burch, Zadock Harris, and Sarah his wife, Noley Maddox, and Susanna his wife, Peregrine Thorn, and Anne his wife, and Sarah Burch.

THE object of the bill is to obtain a conveyance in fee-simple of the following tracts or parcels of land, situate, lying and being in Charles county, to wit: LUMLEY, PERNARY, and BURCH'S HELP, supposed to contain in the aggregate about two hundred acres, which Benjamin Burch, of said county, since deceased, sold to the complainant on the twenty-third day of March, seventeen hundred and eighty-six, and for the conveyance of which, with a general warranty of the title, he passed his bond to the complainant on the day and year aforesaid; the bill states, that Benjamin Burch, on the day and year aforesaid, sold the aforesaid tracts or parcels of land to the complainant, at and for the quantity of two hundred and twelve pounds of tobacco per acre, and on the same day passed his bond to the complainant to convey the same to him, with a general warranty; that the complainant has paid the consideration of said land; that the said Benjamin Burch died in the year 1786 or 1787, leaving the said Leonard Burch and Eleanor Burch, the children of Leonard Burch, deceased, Sarah Harris, Susanna Maddox, and Anne Thorn, sisters of the said Benjamin and Sarah Burch, the daughter of Justinian Burch, his heirs at law, and that they are without the jurisdiction of the state; it is thereupon, and on motion of the complainant, ordered, that he cause a copy of this order to be inserted three times successively in the Maryland Gazette before the twenty-fifth day of February, inst. to the intent that the nonresident defendants may have notice of his application to this court, and of the substance and object of his bill, and may be warned to appear here in person, or by a solicitor, on or before the second Tuesday of July next, to show cause why a decree should not pass as prayed.

Test. SAMUEL H. HOWARD,
Reg. Cur. Can.

NOTICE.

I INTEND to apply to Prince-George's county court, at next April term, for a commission to mark and bound the following tracts or parcels of land, to wit: a tract called RILEY'S RANGE, a tract or parcel of land called the WIDOW'S PURCHASE, conveyed by that name out of the aforesaid Riley's Range; also that part of the aforesaid Riley's Range conveyed by the name of DUTCHMAN'S EMPLOYMENT; also that part of Riley's Range conveyed by the name of FARMER'S PURCHASE; also Richard Isaac's part of Riley's Range; also a tract of land called FARMER'S CULTIVATION, and a tract of land called STRIFE; also all that part of the aforesaid Strife conveyed by Hugh Riley to Thomas Claggett, and that part of the aforesaid Strife conveyed by Eliphaz Riley to Samuel Farmer, according to the act of assembly for marking and bounding of lands.

January 10, 1803.

COLMORE DUVALL.