

# MARYLAND GAZETTE.

[LXVIII YEAR.]

WEDNESDAY, FEBRUARY 7, 1810.

[No. 3291.]

In Council, Jan. 10, 1810.

ORDERED, That the act, entitled, An act more effectually to secure the collection of the public revenues, and the Resolution relative to the debtors of the state, be published twice in each week, for the space of five weeks, in the American and Federal Gazette, at Baltimore, the Maryland Gazette and Maryland Republican, at Annapolis, the National Intelligencer, the Eastern Star, Mr. Grieve's paper at Hagerstown, and in Mr. Bartgis's paper at Fredericktown.

By order,  
NINIAN PINKNEY,  
Clerk of the Council.

An ACT more effectually to secure the collection of the public revenues.

WHEREAS it appears from the statements of the treasurers of the respective shores, that very considerable sums of money are due to this state, under the several denominations of debts therein specified, and some of said debts appear to have been long since due, and in a very hazardous situation, and it being at all times not only the duty of the legislature to secure and protect the public revenue, but also to adopt such measures as may tend more effectually to collect the outstanding debts due to the state, and to bring the same as speedily, and as far as possible, into the treasury; therefore,

Be it enacted, by the General Assembly of Maryland, That the treasurers of the western and eastern shores respectively, be and they are hereby authorized and required, to order and direct suit or suits to be brought immediately against such debtor or debtors for debts due to this state, as they may deem necessary, right and proper, having a reference to the validity thereof, and also to prosecute, and to continue to final issue and determination, all such suit or suits already brought and still depending for debts due to the state, as they may think advisable and proper.

And be it enacted, That if any clerk, sheriff or collector, of any county of this state, shall hereafter refuse or neglect to pay unto the treasurer of the shore to whom the same ought to be paid, any monies of the said state in the hands of the said clerk, sheriff or collector, at the time limited by law for the payment thereof, and to render and settle his accounts with the said treasurer, it shall be, and it is hereby expressly declared to be, the duty of the said treasurer, within three months thereafter, to order and direct suit or suits to be instituted and commenced on the said clerk's, sheriff's and collector's bond respectively, for the recovery of all monies so due and owing.

And be it enacted, That the treasurer of the western or eastern shore respectively, upon the ordering any such suit or suits, may appoint any attorney to such suit or suits, to be brought, prosecuted or continued as aforesaid; provided, that all monies to be recovered in said suits, shall be paid to the treasurer of the western or eastern shore, and to no other person or persons whatsoever.

And be it enacted, That if any clerk of any county court, upon whose bond judgment shall be entered as aforesaid, and execution shall be issued, shall not pay the monies due according to the respective treasurer for two successive terms to which said execution shall be returnable, such default shall be, and the same is hereby declared to be, misbehaviour in office, within the meaning of the constitution, and shall be prosecuted as such; and it shall be the duty of the respective county courts to give the same in charge to the grand jury of their counties respectively.

And be it enacted, That a statement of the proceedings of the said treasurers respectively, in pursuance of this act, be annually laid before the legislature.

RESOLVED, That the governor and council be and they are hereby authorized and empowered, in all cases of debts due to this state, where judgments have been obtained and the defendants are subject to execution, upon application being made to them, and being fully satisfied that the said debt, which an indulgence is prayed for, is well and sufficiently secured, and upon such applicant paying all the interest due thereon, to stay any further proceedings against such debtor until the meeting of the next general assembly; provided that any judgment, upon such proceedings may be stayed as aforesaid, shall continue and remain in full force, and execution may be issued thereon at any time after the expiration of such stay.

Notice to State Debtors.

THE treasurer of the western shore, state of Maryland, requests all debtors to the state to discharge their respective balances, which are payable into the treasury of the western shore, on or before the twentieth day of March, one thousand eight hundred and ten; immediately thereafter all lawful means will be taken to enforce payment, and all penalties incurred by the clerks, sheriffs and collectors, on the western shore, will be exacted. This notice, it is hoped, will be attended to, it will save the debtors a considerable expense, and the officer the disagreeable task of enforcing the collection. Process will certainly be ordered, without respect to persons, on the twenty-first day of March next, against every delinquent.

B. HARWOOD, Tr. W. S.  
Treasury-office, Annapolis, Jan. 15, 1810.

Sheriffalty.

HAVING been solicited by a number of my friends again to be a candidate for Sheriff, in consideration of which I again offer myself as a candidate at the next regular election for that important office. I return my sincere thanks to those of my friends who supported me at the late election, and again solicit a continuation of their favours, and the suffrage of the public in general.

R. WELCH, of BEN.

Anne-Arundel county court,

SEPTEMBER TERM, 1809.

ON application to the judges of the said county court, by petition, in writing, of Joseph Hopkins, of said county, praying the benefit of the act for the relief of sundry insolvent debtors, passed at November session, eighteen hundred and five, on the terms mentioned in the said act, a schedule of his property, and a list of his creditors, on oath, as far as he can ascertain them, as directed by the said act, being annexed to his petition, and the said county court being satisfied, by competent testimony, that the said Joseph Hopkins has resided the two preceding years prior to the passage of the said act within the state of Maryland, and the said Joseph Hopkins, at the time of presenting his petition as aforesaid, having produced to the said court the assent, in writing, of so many of his creditors as have due to them the amount of two thirds of the debts due by him at the time of filing his said petition; it is thereupon adjudged and ordered by the said court, that the said Joseph Hopkins, by causing a copy of this order to be inserted in the Maryland Gazette once a week for three successive months before the third Monday of April next, give notice to his creditors to appear before the said county court, to be held at the city of Annapolis, at ten o'clock in the forenoon of the said third Monday of April next, for the purpose of recommending a trustee for their benefit on the said Joseph Hopkins then and there taking the oath by the said act prescribed for delivering up his property.

Signed by order,  
NICHOLAS HARWOOD,  
Clerk Anne-Arundel county.  
December 25, 1809. 3m

Anne-Arundel County, sc.

ON application to me the subscriber, in the records of the court, as one of the associate judges for the third judicial district of Maryland, by petition, in writing, of William Wootton, of Anne-Arundel county, praying for the benefit of the act for the relief of sundry insolvent debtors, and the several supplements thereto, on the terms mentioned in the said acts, a schedule of his property, and list of his creditors, on oath, as far as he can ascertain them, being annexed to his petition; and the said William Wootton having satisfied me, by competent testimony, that he has resided in the state of Maryland two years immediately preceding the time of his application, I do hereby order and adjudge that the said William Wootton, by causing a copy of this order to be inserted in the Maryland Gazette for three months successively before the first Monday in April next, to give notice to his creditors to appear before the county court on the third Monday in April next, for the purpose of recommending a trustee for their benefit, on the said William Wootton's then and there taking the oath by the said act prescribed for delivering up his property, and to shew cause if any they have, why he, the said William Wootton, should not have the benefit of the several acts of assembly for the relief of insolvent debtors. Given under my hand this eleventh day of December, 1809.

RICHARD H. HARWOOD.  
December 12, 1809. 9 3m

Maryland Gazette.

ANNAPOLIS:

WEDNESDAY, FEBRUARY 7, 1810.

LAWS OF MARYLAND,  
PASSED NOVEMBER SESSION, 1809.

An Act to alter all such parts of the declaration of rights, constitution and form of government, as make it lawful to lay an equal and a general tax for the support of the Christian religion.

BE it enacted, by the General Assembly of Maryland, That it shall not be lawful for the general assembly of this state to lay an equal and general tax, or any other tax, on the people of this state, for the support of any religion.

2. And be it enacted, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alteration and amendment of the constitution and form of government therein contained, shall be taken into consideration and shall continue and be valid, as a part of said constitution and form of government, to all intents and purposes, any thing in the said declaration of rights, constitution and form of government contained to the contrary notwithstanding.

3. And be it enacted, That the several clauses and sections of the declaration of rights, constitution and form of government, so far as they are contrary to the provisions of this act, shall be, and are hereby declared to be, repealed and annulled on the confirmation hereof.

An Act to alter and abolish all such parts of the constitution and form of government as require a property qualification in persons to be appointed or holding offices of profit or trust in this state, and in persons elected members of the legislature, or electors of the senate.

BE it enacted, by the General Assembly of Maryland, That all such parts of the constitution and form of government as require a property qualification in persons to be appointed or holding offices of profit or trust in this state, and in persons elected members of the legislature, or electors of the senate, shall be and the same are hereby repealed and abolished.

2. And be it enacted, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alterations and amendment of the constitution and form of government therein contained, shall be taken into consideration and shall continue and be valid, as a part of the said constitution and form of government, any thing in the said constitution and form of government contained to the contrary notwithstanding.

An Act concerning the amendment of judicial proceedings.

BE it enacted, by the General Assembly of Maryland, That the courts of law shall have power to order and allow amendments to be made in all proceedings whatever before verdict, so as to bring the merits of the question between the parties fairly to trial, and if an amendment is made after the jury is sworn, a juror shall be withdrawn; and in all cases where amendments are made, the adverse party shall have time to prepare to support his case, but the case shall not be continued to the next term, unless the court shall be satisfied that the same is necessary, and such costs shall be allowed the party against whom such amendment may be made as the court shall think just.

2. And be it enacted, That all writs of error wherein there shall be any variance from the original record, or other defect, may be amended, and made agreeable to such record; and that where any verdict shall be given in any action, suit or demand, in any court of record of this state, the judgment thereupon shall not be stayed or reversed for any defect of form or substance in any writ, original or judicial, or for any variance in such writs from the declaration or other proceedings, nor for defects in any count in the declaration, so that there be one good count; and if the court of appeals should be of opinion that there appears to be sufficient matter of substance in the record and proceedings on any appeal or writ of error to enable them to proceed thereon, the same shall not be reversed.

or dismissed for want of form, and the court may, on motion, permit and direct any error to be made, or act to be done, by either party, on the trial of any appeal, or during pendency, which might or could have been done by such party after verdict, in the court from whose judgment such appeal was made, and which in law might have been necessary to give effect and validity to such judgment.

3. And be it enacted, That nothing here contained shall be construed to extend to any criminal process or prosecutions at the suit of the state.

4. And be it enacted, That in all cases where a verdict shall be given in any court of this state, the court before whom such verdict shall be given, shall and they are hereby authorized to enter such judgment upon the verdict as will carry an interest on the same until the payment of the damages assessed by the jury giving such verdict, in the same manner as is now used and practised in the cases of a confession of judgment in said courts.

5. And be it enacted, That all justices of the peace of this state shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon from the date thereof until the same shall be paid or satisfied.

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5. And be it enacted, That all justices of the peace of this state shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon from the date thereof until the same shall be paid or satisfied.

A Further additional supplement to an act, entitled, An act to direct descents.

WHEREAS it may frequently happen, that some person or persons may be entitled, as tenants by the courtesy, to a life estate in an undivided part of the real estate of an intestate, and there is no provision made in the act to which this is a further additional supplement to empower the commissioners to ascertain and lay off the said tenant's part or portion; and whereas it may be beneficial to the parties concerned, either where a division is adjudged to be made among the representatives, or where a sale of the estate becomes necessary, that the aforesaid tenant's part or portion of, in and to, the same, should be previously ascertained and laid off;

2. Be it enacted, by the General Assembly of Maryland, That the commissioners shall be, and they are hereby empowered and directed, to lay off the part or parts, portion or portions, of a tenant or tenants by the courtesy, of, in and to, the lands and tenements of an intestate, by virtue of their commission, before they shall proceed to divide or value the same, and the said commissioners shall make such ascertainment and location of such tenancy a part of their return to their commission; and the chancellor, or the county courts, as the case may be, shall determine thereon, and confirm or reject the same, as in other cases under the said act.

3. And be it enacted, That if any person shall become entitled, as tenant by the courtesy, to an undivided part of the real estate of an intestate, after the return of the commissioners aforesaid, and before the sale or division thereof, the courts of the several counties shall be and they are hereby empowered, to order that the commissioners shall alter and change their return, and the commissioners shall, upon service of the said order, proceed to alter their return, in such manner as that the tenant by the courtesy shall come in for his proportionable share of the said intestate's estate with those who by law are now entitled to take as heirs of the intestate.

4. Provided always, and be it enacted, That in case of the sale of the intestate's real estate by the commissioners, they shall proceed to sell the whole real estate of the intestate, agreeable to the terms prescribed to them, discharged by any tenancy by the courtesy; and the chancellor, or the county court, as the case may be, shall award to the tenant by the courtesy such proportion of the purchase money as he or they shall think just and equitable, and in decreeing such proportion of the said purchase money to the said tenant, the chancellor, or county court, as the case may be, shall be directed by the age, health and condition, of such tenant, and such award of payment shall be sufficient to bar such tenant from all and every right or title by such courtesy which such tenant may claim to the lands and tenements of such intestate.

5. And be it enacted, That in case the parties entitled to the intestate's estate cannot agree upon the division thereof, or in case any person entitled to any part be a minor, the commissioners shall have power to divide the estate into as many parts as it is susceptible of, without injury and loss to all the parties entitled, and to ascertain the value of each part of such estate in current money, and the judgment of the commissioners