

MARYLAND GAZETTE.

[LXVIIth YEAR.]

WEDNESDAY, FEBRUARY 14, 1810.

[No. 3292.]

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. Grievess'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 thereon 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 performance 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, or 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 which 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 recess 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. 10 3m

Maryland Gazette.

ANNAPOLIS:

WEDNESDAY, FEBRUARY 14, 1810.

LAWS OF MARYLAND,
PASSED NOVEMBER SESSION, 1809.

A Further supplement to the act, entitled, An act for quieting possessions, and securing and confirming the estates of purchasers.

BE it enacted, by the General Assembly of Maryland, That all deeds heretofore made for conveying or passing any estate of inheritance or freehold, or declaring or limiting any use or uses, trust or trusts, or for conveying any estate for above seven years, and acknowledged before two justices of the peace of any county in this state in which the acknowledgment is made, shall, notwithstanding the same may have been acknowledged neither in the county where the lands lie, nor where the grantor or grantors reside, have the same effect and validity as if such deeds had been acknowledged before any judge of the late general court, or before a judge of the county or district court where the lands lie, or the grantor or grantors reside, provided it shall appear in case of any conveyance, that the same was made willingly, and out of the presence and hearing of the husband, or privately and willingly out of the hearing of the husband, or words to that effect, and provided also, that in every other respect the said deeds have been executed, acknowledged and recorded, agreeably to the laws heretofore made on this subject.

2. And be it enacted, That nothing contained in the said original act, or the supplements thereto, shall extend, or be construed to extend, to make valid any deed, where the person or persons who would have been entitled to the property contained in such deed of conveyance, in case the same had originally been valid and effectual to convey the property expressed in the same, shall have given up his, her or their interest in the same, and where the person or persons entitled to such property, independent and exclusive of such defective deed, may have bona fide sold and conveyed the same, but in all such instances the person or persons to whom the property shall have been as last aforesaid mentioned sold and conveyed, shall continue to hold the same estate and interest in the property so to him, her or them, sold and conveyed, as he, she or they, would have held in case the said original acts, and the supplements thereto, had not passed, any thing in the same contained to the contrary notwithstanding; provided, that nothing in this act contained shall extend, or be construed to extend, to interfere with, or affect, any deed or deeds executed out of the operation of the original act by the proviso contained in said act.

An Act to make the final discharge of executors, administrators and guardians, matter of record.

BE it enacted, by the General Assembly of Maryland, That all receipts, acquittances, releases or final discharge, from any heir, representative or legatee, of full age, or other persons authorized to execute the same, to any guardian, executor or administrator, which shall have been acknowledged before any justice of the peace, or register of wills of the county wherein such heir, representative, legatee, or other persons authorized to execute the same, resides, may be recorded; and it shall be the duty of the register of wills of the county where such guardian was appointed, or such executor or administrator obtained letters testamentary or letters of administration, to record any such receipt, acquittance, release or final discharge, produced to be recorded, in a well bound book to be kept for that purpose.

2. And be it enacted, That a copy of any such receipt, acquittance, release or final discharge, acknowledged and recorded as aforesaid, duly attested under the seal of the office in which the same is recorded, shall, at all times hereafter, be admitted as evidence to prove such receipt, acquittance, release or final discharge.

3. And be it enacted, That any receipt, acquittance, release or final discharge, from any heir, legatee, representative of full age, or other persons authorized to execute the same, to any executor, administrator or guardian, by a nonresident of this state, acknowledged as aforesaid in the town, city, county or place, where such person may reside, with a certificate of such acknowledgment, and seal of office thereto annexed, may be received and recorded by such register, and placed on

his record, as other receipts, acquittances, releases or final discharge, may be recorded and admitted in evidence as aforesaid, such register of wills may also demand and receive, such fee for recording the same, as is allowed by law in other cases of a similar nature.

An Act concerning costs in criminal prosecutions.

BE it enacted, by the General Assembly of Maryland, That for every warrant of a criminal nature issued by any justice of the peace and served by any constable, the constable serving the same, and producing the person against whom the warrant issued, shall be entitled to receive thirty-three cents current money for his services.

2. And be it enacted, That in all cases aforesaid which shall come before the county courts, or the criminal court of oyer and terminer and gaol delivery for Baltimore county for trial and decision, the clerks of the several courts aforesaid shall, if the traverser or person presented be found guilty, and there has been in the first instance a warrant served upon the said traverser or party presented, tax against the traverser aforesaid the constable's costs for serving the said warrant.

3. And be it enacted, That in all cases aforesaid which shall come before any of the courts aforesaid for trial and decision, the clerk of the said courts shall, where the person or persons presented and tried are acquitted, if there have been a warrant served against the said person or persons by a constable, tax the said constable's costs for service aforesaid against the state.

4. And be it enacted, That the levy court in the several counties of this state shall levy, in all such cases last aforesaid described, upon the assessable property in the county, the costs taxed by the clerk against the state for the service aforesaid.

An Act to ascertain and declare the condition of such issue as may hereafter be born of negro or mulatto female slaves during their servitude for years, and for other purposes therein mentioned.

WHEREAS by the laws of this state slaves may be liberated from servitude, either by last will and testament or by deed of manumission: And whereas in virtue of the same, negro or mulatto female slaves may hereafter be declared free after certain years of service, or at some specified age, or upon the performance of some condition: And whereas during such years of service, or before the age specified for liberation, or before the performance of the condition, may arrive, issue of their body may be born: And whereas the state and condition of such issue seems not to be settled with sufficient legal precision; therefore,

2. Be it enacted, by the General Assembly of Maryland, That from and after the first day of February, eighteen hundred and ten, if any negro or mulatto female slave, by testament or last will, or deed of manumission, shall be declared to be free after any given period of service, or at any stipulated age, or upon the performance of any condition, or on the event of any contingency, it shall be lawful for the person making such last will and testament, or executing such deed of manumission, to fix and determine in the same the state and condition of the issue that may be born of such negro or mulatto female slave during their period of service.

3. And be it enacted, That if any person, after the first day of February aforesaid, shall make a last will and testament, or execute any deed of manumission, whereby any negro or mulatto female slave shall be declared free after a service for years, or at any specified age, or upon the performance of any condition, or on the event of any contingency, and such person, in their said last will and testament, or deed of manumission, shall not fix or limit the state and condition of the issue that may be born of such negro or mulatto female slave, that then the state and condition of such issue shall be that of a slave, any law, usage or custom, to the contrary notwithstanding.

An Act relating to constables bonds.

WHEREAS the present general assembly of Maryland hath enlarged the jurisdiction of justices of the peace: And whereas the penalty of the bond executed by the constables is not high enough for the increased duties transferred on them; therefore,

2. Be it enacted, by the General Assembly of Maryland, That in lieu of the bond prescribed by the act of eighteen hundred and one, each and every constable, before he acts as such, shall give bond to the state of Maryland, with good and sufficient security, in the penalty of eight hundred dollars, to be approved of by