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REPORT

Of the STATE AGENT for the Western Shore, made in compliance with an order of the House of Delegates.

To the Honorable the House of Delegates.

Annapolis, Jan. 15, 1825.

Gentlemen,

In compliance with the order of your honorable house of the 12th January, 1825, requesting that the State Agent for the Western Shore report what further measures are in his opinion expedient to ensure the speedy collection of the public revenue, I have the honor to report—

That from all the experience which the agent has had for the three last years in endeavoring to adjust and collect the debts due to the state, he is fully convinced that in order to ensure the speedy collection of the public revenue, it is necessary to adopt some further measures to facilitate the settlement of the county clerks and sheriffs accounts, more particularly the latter class of officers; and the only question is, what measures would be most advisable to adopt, that would at the same time attain the desired object, without increasing the expenses of collection, in any considerable degree.

Two modes of effecting the object present themselves for consideration; the first would be to compel county clerks and sheriffs to attend at the treasury of their several shores, at certain stated periods, for the purpose of settling their accounts; and the other is to make it the special and particular duty of some person or persons to visit those officers in each county twice a year, not for the collection of money, but for the adjustment and settlement of their several accounts, and making returns of the same to the treasury department.

Among the monies collected by the sheriffs are those due for fines, forfeitures, taxes on chancery proceedings, amerciaments, &c. And on these items of revenue, amerciaments particularly, considerable allowance for insolvents is always claimed, and it is difficult for the treasurer to ascertain whether the sheriffs are justly entitled to those credits or not, and the agent has had considerable trouble in getting such claims fairly adjusted, some of them having been due for many years; a loss from thirty to fifty per cent has occurred; whereas, if the accounts were regularly and pomptly settled in the county, and on the spot where the insolvencies are claimed, it could be easily ascertained whether credit ought to be allowed or not; a considerable loss is also sustained on taxes due on proceedings in chancery, claims being made for non residents as well as insolvents, and those returned as non residents might be collected with a little attention and trouble.

By a very old act of assembly, an amerciament of fifty cents is laid upon every person against whom judgment is rendered in court, but before judgment many insolvencies occur, and before collection many more, and a speedy adjustment of Sheriffs accounts would prevent a considerable loss to the state, but if the amerciament tax was repealed, and the same amount laid upon the original writ, the very change in this small item of revenue, would produce more than sufficient to compensate those persons who might be employed to attend to the settlement of all the public accounts, and prevent much trouble in the adjustment of Sheriffs accounts.

With regard to County Clerks who collect the revenue arising from marriage licences, licences to ordinary keepers, retailers of dry goods and wholesale merchants, the agent considers that it would be advisable that they should collect the monies arising from licences granted to retailers of spirituous liquors, and also that blank licenses for all these purposes should be furnished by the treasurer as is now done, in the case of marriage licences & retailers of dry goods. The clerks accounts could then be easily settled holding them responsible and charging them with all the blank licences that they do not produce at the time of settlement.

Experience has taught that although Clerks and Sheriffs ought to make regular returns to the treasury, that this is not always done with punctuality, but were they to be visited regularly they would not have any excuse for not making their returns and settling their account, and knowing the time when they would be visited they could always be prepared for settlement, and this would also be far less troublesome to those officers than compelling them to attend twice a year in person at the treasury.

The act of December session, 1822 chapter 217, entitled 'An act to provide for the speedy collection of the public revenue,' requires County Clerks and Sheriffs to make payment into the treasury of all public money which they may have collected, on the first day of May, and the first day of November annually, and also provides that if payment of such money is not made within one month, they are charged with interest from the time the same becomes due, and in case of default for three months thereafter, they forfeit their commission of six per cent. If therefore they were regularly visited in May, and November, in each year the public accounts would be kept in order, and the Legislature would at the commencement of each session, know the exact situation in which every account stood, and would also be able at one glance to see, not only the amount of revenue, but also from what source, and from which county the same was received.

And whenever a county clerk, or sheriff, or collector becomes indebted to the state, coercive measures should be at once resorted to, to compel payment, and their securities ought also to be immediately notified of the fact, that they may save themselves if they can, for the state, much as it has lost has lost but little in comparison of debts due by those officers, to the vast and almost incredible amount lost by individuals, and which has ruined, totally ruined many, very many innocent families. And cases have come under the Agents controul in which it became his hard duty, although it appeared almost like robbery, to take from the poor widow and orphan, monies for which the husband and father had become security, and which but for the want of a proper system of revenue might long before have been recovered from the principal debtor;—some few of these extreme hard cases still exist, which may yet come before the Legislature; and as the state has the power at all times to protect her citizens, in this respect it is equally her best policy, her interest and her duty to do so.

To protect the securities of all public officers is, a very important consideration, as money to an immense amount annually passes through their hands; particularly through the hands of the sheriff. For the first year of the sheriffs term it is not considered any great risque to become security for him; yet it may happen, and has happened, that the securities for the first year, by refusing to become security for the second or third, have suffered most, and may hereafter suffer most. In some cases it might be advisable to declare the sheriffs office forfeited, upon his becoming a defaulter, and vesting a power in his securities upon their giving additional security to complete his collections.

The Legislature should also be particularly careful in granting indulgence to public debtors, as this has already been attended with loss to the state; and it sometimes may occasion the loss to fall more heavily upon their securities than it otherwise would have done; no doubt cases may and do present themselves when indulgence will be found beneficial to all parties; but when it is solicited year after year, and even the terms upon which it was originally granted, have not been complied with, it is manifestly wrong to renew such indulgence.

It may be proper here, now to advert to the system which has hitherto prevailed, in relation to the collection of the public revenue. The state formerly had agents, who for many years superintended the collecting of the accruing revenue, as well as of the debts due, but it was not their general custom to visit the several counties regularly, and it will be seen by refering to the agents second report, that many losses occurred from 1790 to 1801, when the state had agents, more perhaps than she sustained for the twenty years afterwards, when she had none; so that it is not on state agents alone that the Legislature ought to depend, and if they are to be continued at all, their duties ought to be more precisely defined.—The office ought either to be made a useful and an efficient one, or it should at once be abolished.

By the act of December session, 1816, chapter 271, an agent was appointed for the year 1817 who refused to accept, and Governor Ridgely in his message to the legislature, December 1st, 1817, thus expresses himself. 'The law of the last session appointing an agent to collect the State debts, has not been carried into effect, as the agent appointed by the law has not accepted of the appointment. We are of opinion that this law must fail in its effect, so long as the amount of compensation which the agent shall receive for his services is uncertain, and depends upon the amount of the valid debts. We therefore respectfully recommend the appointment of an agent with a certain annual salary.' *See votes and proceedings, December session, 1817 page 8.*

No change was made at that session in the law, and the treasurer of the western shore in a report made to the Legislature, December 6, 1819 says, when speaking of the State debts. "From a belief that it will be impracticable to collect these several debts, unless the respective attorneys are furnished with the necessary information relative to the situation of the debtors, which appears to me can be done only through a general or special agent, to be appointed by the state for the purpose of making the necessary enquiries, and of ascertaining the proper persons to be proceeded against, I beg leave to suggest the propriety of appointing a person for that purpose, who should also be vested with the power and authority to superintend and enforce the collection of debts due to the state."

No measures were however adopted until December session 1821, when the act under which the agent holds his appointment was passed, and although since his second appointment in May 1823, the amount of commission which he has received will scarcely pay his travelling expenses he must here candidly give his opinion that he does not think it would be advisable to make any person who might be appointed to superintend the recovery of state debts, and to settle the public accounts, either a salary officer, or to make him dependant entirely for compensation, on the amount of valid debts he might collect. For were he a salary officer only, he might not feel the same interest in recovering old and doubtful debts, as if he was entitled to a commission; and if he were to depend upon his commissions alone, he might, and probably would find, as the present agent has done for the last two years, that his expenses exceeded his income; but let him receive a moderate salary for settling the public accounts, and when obliged to attend more particularly to the recovery by legal process of debts due by defaulters, then let him receive the commissions which they may have forfeited. In this way regular settlements would take place, the revenue would be more punctually paid into the treasury, and at the same time the saving to the state by the speedy and prompt settlement of public accounts would far exceed any salary which such a person ought to receive. As much already of debts formerly considered invalid, has been secured on the western shore, as will nearly amount to the commission the agent has received for the last three years, and there is no doubt but by renewed and constant enquiry, more may yet be recovered, and by frequently visiting every county, this would be done more successfully.

It will therefore appear to your honourable body as the opinion of the agent, that an act ought to be passed to provide for the prompt settlement of all public accounts; and if it is made the special duty of some person or persons to attend to this, not only the adjustment of county clerks & sheriffs accounts, but those of lottery commissioners, inspectors of tobacco in state warehouses, &c. would naturally come under his or their controul. It is not advisable, however, in the opinion of the agent that any part of the revenue should be collected by such persons, the whole amount of which should be paid into the Treasury at the request and by the persons from whom it is due, as the fewer hands public money passes through, the better and safer it is for the state.

And further as it regards the collection of all the revenue of the state, which amounts annually to a large sum, the whole of the same may be collected, without any expence whatever, through some one or more of the banks, who would no doubt, be willing on condition of receiving the deposits, to be at the trouble of attending to collections, and transmitting the same to the Treasury, and an arrangement of this kind would also be very useful and convenient to public officers in different sections of the state—But the prompt and regular settlement of all public accounts is absolutely necessary in order to ensure the speedy collection of the public revenue.

I have the honour to be,
With much respect,
Your obedient servant,
THO. KENNEDY,
State Agent W. S. Md.

MARYLAND LEGISLATURE.

HOUSE OF DELEGATES.

Monday, Jan. 17, 1825.

The message of Saturday by Mr. John Edelen, and the act supplementary to the act, entitled, An act relating to the treasurers of the state on the eastern and western shores, the clerks of the courts of appeals, &c. was sent to the senate.

The speaker laid before the house a communication from the treasurer of the western shore, in compliance with an order of this house of the 14th inst. referred to the committee of ways and means.

The bill to repeal in part the acts of assembly therein mentioned, was read the second time. On motion by Mr. Henderson, the question was put, That the words 'and also the third, fourth, and fifth sections of the last mentioned act,' be inserted before the words 'be and the same is hereby repealed.' Determined in the negative.

On motion by Mr. Teackle, the title was amended, so as to read 'An act to repeal in part certain acts of assembly, which prohibit the issuing of small bank notes.'

The question was then put, shall the said bill pass? Determined in the negative.

Mr. Eccleston reports a bill entitled, An act to repeal an act passed at December session 1823, chapter 15, relating to the protection of slave holders in Dorchester county.

The bill taxing billiard tables, was read the second time.

Mr. Merrick moved to strike out $100 to insert $250? Determined in the negative.

Mr. Peach moved to refer the same to the 1st June? Determined in the negative.

Mr. Worthington moved to fill up with $200. Determined in the negative.

Mr. Lee moved $150? Determined in the negative.

Mr. Parran moved $125? Determined in the negative.

Mr. M'Clean moved to recommit the bill? Determined in the negative.

Mr. Carroll moved the following to be added: 'And be it enacted, That the provisions of this law shall not be construed to extend to the city of Annapolis.'

Mr. Worthington moved the following as a substitute: 'And be it enacted, That nothing contained in this act shall be taken or construed to impair the right of the corporation of the city of Baltimore, or Annapolis, to impose any further additional tax upon billiard tables.

On motion by Mr. Barnes, the city of Frederick was added to the same.

On motion by Mr. Bennett, the words 'or the commissioners of the town of Easton,' were added.

Mr. Wright moved to add 'the commissioners of the town of Centreville? Determined in the negative.

The question was then put on Mr. Worthington's substitute, as amended? Resolved in the affirmative.

Mr. Carroll moved the following as an additional clause: 'And be it enacted, That the money arising from the tax upon billiard tables in the city of Annapolis, shall be paid to the mayor, recorder, aldermen, and common council of the said city, for the use of the said city?' Determined in the negative.

The question was then put, Shall the said bill pass? The yeas and nays being required appeared as follow:

Affirmative 51.—Negative 9.—

Resolved in the affirmative, and the bill sent to the senate.

Mr. Teackle delivers a report on the subject of public instruction of youth, and the promotion of the interests of agriculture. And a bill entitled, An act to provide for the public instruction of youth throughout this state, and to promote the interests of agriculture.

The committee to whom was referred the petition of sundry inhabitants of Somerset county, praying that a certain road therein mentioned may be made public, beg leave to report—That they have taken the subject into consideration, and being of opinion, that by the act passed at the last session of the legislature, chapter 73, the levy court of said county, is vested with ample power, authority and jurisdiction, to hear and determine on such matters; they therefore respectfully recommend, that the said petition be referred to the consideration and decision of said court, and that the petitioners have leave to withdraw their petition.

By order, J. COCKEY, Jr. Clk.

Which was concurred with.

On motion by Mr. Lee, Ordered, That Mr. Tingle be on the committee on roads and canals, in the place of Mr. Roberts who is absent.

The bill to confirm an act, entitled, An act passed at December session, 1823, entitled, An act to alter the time of the meeting of the general assembly of this state and for other purposes, was read the second time by special order, passed, and sent to the senate.

Ordered, that the bill for the benefit of Judge Chase, and the bill respecting writs of error, and giving appeals in certain cases, have a second reading on Thursday next.

The bill to repeal an act passed at December session, 1823, chapter 15, relating to the protection of slave holders in Dorchester county, was read the second time by special order, passed, and sent to the senate.

Mr. Millard reports a bill, entitled, An act for the relief of Sophia Pitt, of Dorchester county.

Mr. Tyson obtained leave to bring in a bill, entitled, 'An act supplementary to an act, entitled, A supplement to the act, entitled, An act incorporating into one the several acts relating to constables fees. Ordered that Messrs. Tyson, Howard, Steele, Ireland and Merrick, report the same.

The house adjourns until to morrow morning 9 o'clock.

Tuesday, Jan. 18.

The resolution in favour of Salisbury Academy, was read the second time, and the question put, That the house assent to the same? Determined in the negative.

Mr. Cromwell presents a petition from sundry officers commanding uniform rifle companies in Frederick county, praying to be authorised to form a regiment of riflemen, within the limits of the 20th, 29th and 47th regiments; and to choose their field and staff officers.

Mr. Steele obtained leave to bring in a bill, entitled, A further additional supplement to an act, entitled, An act for the recovery of small debts out of court, and to repeal the acts of assembly therein mentioned. Ordered, That Messrs. Steele, Worthington & Eccleston, report the same.

The bill to incorporate the president and directors of the Baltimore Gunpowder Company, was, according to the order of the day read the second time, passed, and sent to the senate.

Mr. Shower obtained leave to bring in a bill, entitled, An additional supplement to the act, entitled, An act for the establishment and regulation of the levy courts in the several counties of this state.

Mr. Howard obtained leave to bring in a bill, entitled, An act relating to the governor and council of this state.

The house adjourns until to morrow morning 9 o'clock.

Wednesday, Jan. 19.

Mr. Hooper, presents a memorial from the trustees of Salisbury Academy, praying that part of the donation granted to the Washington Academy, may be transferred to the Salisbury Academy; referred to Messrs. Hooper, Williams and Dennis.

On motion by Mr. M'Mahon, Ordered, That a committee of five be appointed by the chair, to take into consideration the propriety of making some further legal provisions for the support of infirm negro slaves in certain cases.

Ordered, That the supplement to an act to prevent the unlawful exportation of negroes and mulattoes, and to alter and amend the laws concerning runaways, have a second reading on Wednesday 26th inst.

Ordered, That the bill relative to the election of the senate by the people, have a second reading on the 21st inst.

Mr. M'Clean reports a bill, entitled, An act relating to two deeds of manumission, recorded amongst the records of Kent county.

Mr. Teackle obtained leave to bring in a bill, entitled, An act to alter the time of electing electors to choose the president and vice president of the United States. Ordered, That Messrs. Teackle, Merrick and Howard, report the same.

The speaker laid before the house a communication from the armourer of the Eastern shore, which was read.

Mr. Dennis obtained leave to bring in a bill to be entitled, A supplement to an act to tax certain officers.

The supplement to an act, entitled, A further supplement to an act, entitled, An act, directing the manner of suing out attachments in this province, and limiting the extent of them, was read the second time, amended, passed, and returned to the senate.

Mr. Eccleston reports a bill, entitled, An act to limit the number of justices of the peace in the several counties in this state.

Mr. Teackle reports a bill, entitled, An act to alter the time of electing electors to choose a president and vice president of the United States.

Mr. Howard reports a bill, entitled, An act relating to the governor and council of this state.

The bill for the relief of Sophia Pitt, was read the second time, passed, and sent to the senate. The house adjourns until to morrow morning 9 o'clock.

Thursday, Jan. 20.

Mr. Thomas obtained leave to bring in a bill, entitled, A supplement to an act, entitled, An act to increase the pay of the judges of the orphans court for the several counties therein mentioned, passed at December session 1817, chapter 216.

Mr. Spencer presents a petition from sundry inhabitants of Talbot county, praying the navigation of Kent Narrows may be opened; referred to the committee on the same subject.

Mr. Worthington reports a bill, entitled, A supplement to an act, entitled, An act to prevent the unlawful exportation of negroes and mulattoes, and alter and amend the laws concerning runaways.

Mr. Merrick reports a bill, entitled, An act to alter and amend so much of the constitution and form of government as relates to clerks of the county courts and registers of wills. Ordered, That the same have a second reading on the 29th inst.

Mr. Thomas reports a bill, entitled, A supplement to an act, entitled, An act to increase the pay of the judges of the orphans court of the several counties therein mentioned; which was twice read.

Mr. Henderson moved to strike out 'two dollars' to insert 'three' out of the clause fixing the per diem? Determined in the negative.

The question was then put, Shall the said bill pass? Resolved in the affirmative and the bill sent to the senate.

Mr. Speed obtained leave to withdraw the bill in favour of Judge Chase.

Mr. Chapman reports a bill, entitled, An act to alter and amend such parts of the constitution and form of government as relate to the election of the council to the governor. Ordered that the same have a second reading on the 1st of February next.

The bill respecting writs of error, and giving appeal in certain cases, was according to the order of the day, read the second time.

Mr. Speed moved the following be added: "And be it further enacted, That in all cases of proceedings under the insolvent laws of Maryland in any of the county courts, the respondent or defendant at any time before the trial in such proceeding, shall have the privilege of removing the said proceedings for trial to any other county in the district, in the same manner and on the same terms that civil causes are now allowed to be removed by the existing laws of Maryland?". Resolved in the affirmative.

Mr. Wootton moved to refer the same to the 1st of June. Determined in the negative.

On motion by Mr. M'Mahon the same was recommitted.

The clerk of the senate returns the bill to authorise justices of the peace to judge and approve of the security in cases therein mentioned; the supplement to an act to incorporate the trustees of the Westminster General Meeting House in Frederick county; and the bill to authorise the levy court of Washington county to levy a sum of money, for the purpose of purchasing and providing a farm for the better and more economical support of the poor of Washington county, severally endorsed 'will pass.' Ordered to be engrossed. Also the bill for the relief of John W. Steinmetz, endorsed 'will pass with the proposed amendment;' which was read, assented to, and the bill ordered to be engrossed. Also the bill to reduce the board of trustees of Washington Academy, endorsed 'will pass with the proposed amendment;' which were read, assented to, and the bill ordered to be engrossed. Also the bill for the more effectual protection of public worship, endorsed will 'pass with the proposed amendments;" which were read, assented to, and the bill ordered to be engrossed. The bill to levy a tax on billiard tables, endorsed 'will pass, with the proposed amendments;' which were read, assented to, and the bill ordered to be engrossed. Also the resolution in favour of Davis Richardson, endorsed 'assented to.' Also delivers communications from Col James Boyle, and Col. Ezekiel F. Chambers, and the clerk of the council presents a communication from his excellency, relative to the western limits of the state; which were referred to Messrs. M'Mahon, Merrick, Tingle, Wootton and Duvall.

The clerk of the senate returns the bill for the revaluation of the assessable property in Prince George's county, endorsed 'will pass.' Ordered to be engrossed.

Mr. Spencer presents petitions praying agricultural relief; referred to the committee on the same subject.

The house adjourns until to morrow morning 9 o'clock.

York, (Pa.) Jan. 11.

Last week at a Court of General Quarter Sessions of the Peace, held for the County of York,

Mitchel, Mathias, Samuel and Henry Fetro, were tried for a riot, assault and battery and assault with intent to kill. It appeared from the evidence, that a runaway slave, the property of Thomas H. Grist, of Baltimore County, was in the employ of Joseph Garretson, of Newberry township, York county. That a reward of one hundred dollars was offered for his apprehension—the defendants armed with a gun,

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