

They, however, deem it proper to state that they find certificates of the same character issued to other parties amounting to £43,386.15, for the payment of which, on cursory examination they find no evidence on the books.

It will be seen that though an entry of the certificate of 1791 has been found on the books of the Treasury, yet both Treasurer and Comptroller certify that no evidence whatever has been found of its payment, or that any account has been opened with William Fitzhugh on account of the same. The books of the Treasury show that accounts were opened with other persons to whom certificates were issued, to whom the principals of certificates were paid, and to whom interest was paid. The act of 1792, chapter 38, states, that all the certificates issued after 1785, are "titled and kept in the Treasury," so that this certificate would certainly be found there if it had ever been received by William Fitzhugh and paid to him.

The resolutions, Nos. 7, 8 and 12, of 1797, show that until October of 1798, the State was not ready to pay to persons holding these certificates the money due thereon, and Col. Fitzhugh was dead many months before that time.

The act of 1799, chapter 80, section 19, required the State's agent to report to the Treasurer, and the Treasurer to the Legislature the certificates paid, &c., and many such reports are to be found among the votes and proceedings. The Annual Reports of the Treasurer to the Legislature required that that the payment of these certificates should be entered upon the books at the Treasury, in order to supply the required information of the true condition of the finances of the State. The only entry of this certificate is a charge on a general account, and that account is not credited with its payment or the payment of any part of its principal or interest. There are many circumstances attending this matter which reasonably account for this certificate never having been received by Col. William Fitzhugh, or paid by the State.

The certificate is not required to be paid at any particular period, and may not have, in fact, been payable until October, 1798, under the resolutions before referred to, and after Col. Fitzhugh's death. Col. Fitzhugh, in his memorials after the passage of the resolution of 1791, never accepted it as a satisfaction for his claim and urged that even for the loss of his pension, the resolution ought to have been dated back to the 25th of June, 1776, when he threw up his commission, and inasmuch as this looked to a correction of the certificate, and as the one granted was bearing interest and not payable at any time specified, he may have thought he was weakening his claim by withdrawing it from the Treasury, where it could not prejudice him in any manner to leave it.

In his will, made only a few days before his death, having all the force of dying declarations, Col. Fitzhugh requires his