

executor to petition the Legislature year after year for redress for his great losses sustained in resisting the common enemy, showing that he regarded his claims on the justice of the State as not satisfied in any manner.

That there has been no payment of this claim since his death is shown by the inventory and other administration accounts and the certificates of the Register of Wills for Washington county, exhibited to your committee and filed among the papers in this case.

There is another view of this case which your committee conceive they are bound in justice to present. Col. Fitzhugh, among other things, claimed remuneration for \$15,000 worth of property destroyed by the enemy during the Revolutionary war, and further for the loss of his half-pay, a portion of which we have seen was intended to be repaid him by the resolution of 1791. He claimed that his losses ought to be paid out of large sums brought into the Treasury from the proceeds of the confiscated estates of the tories and British subjects, under the principles of the act of confiscation of 1780, chapter 45. But passing by this claim as seems to have been the policy of your predecessors, upon what ground was the claim for the pension for the whole period for which it was lost, overlooked and not satisfied? The resolution of 1791, No. 10, although it did not begin as early as it should have done, extended down to the period of its passage, and left to future legislation to make further provision for the remainder of Col. Fitzhugh's life. The principle of his being entitled to indemnity is clearly settled by the resolution of 1791, and your committee cannot see why the compensation should not be commensurate with the loss. Thus, then, admitting the principle of the resolution of 1791, there being twenty years from the time when the pension ceased to be paid by the British Government to the death of its former recipient, and the Legislature only providing for the half-pay during some eight years of that time, there remain fourteen years of half-pay still due, for which no provision has ever been made. The mere probability, therefore, of this certificate having been paid in the entire absence of any such proof should not prevent the payment of this claim as now presented; for, under no state of circumstances, does Maryland owe the heirs of Col. Fitzhugh less than this amount.

The lapse of time ought not to avail in bar of the payment of this claim if manifestly just. The State allows no such plea to her own claims against her citizens, and it would come with a peculiarly bad grace to urge such a reason from a State which has lately received a large sum from the General Government, composed of a principal sum of seventy-two thousand dollars with the legal interest thereon from the year 1790, the very period of the passage of the resolution on which the claim