

THE committee to whom was referred the petition of Rinaldo Johnson, on behalf of the securities of Thomas Williams, former collector of the tax in Prince-George's county, report, that they have examined into the facis set forth in the said petition, and find, that two separate fieri facias issued against Rinaldo Johnson and Elisha Berry, as securities of Thomas Williams, returnable to October term, 1790, for the sum of £ 15,819 19 8; that the said sum was endorsed on the writ; and that the said fieri facias were actually laid on the property of the said Rinaldo Johnson and Elisha Berry to the amount of £ 14,535 5 0, as appears to your committee from the schedule returned to the late general court office by Edward Lloyd Wailes, the then sheriff of Prince-George's county.

Your committee find, that a resolution passed at November session, 1790, authorising the chancellor to settle and adjust the accounts between the state and the securities of Thomas Williams, and to decree the debt due from the said securities. Your committee find, that in pursuance of said resolution the chancellor did liquidate the accounts of the state against the said securities, from which said liquidation it appears, that at the time of issuing said fieri facias there was only due to the state of Maryland the sum of thirteen hundred and nine pounds three shillings and one penny, as appears by the chancellor's statement and decree, passed in pursuance of the resolution aforesaid.

Your committee find, that the sheriff claimed, and received of the said securities, poundage fees on the sum actually made under the authority of the said writs, to wit: the sum of £ 14,535 5 0, instead of the sum of £ 1,309 3 1, the sum actually and bona fide due to the state of Maryland, amounting to one hundred and forty pounds fourteen shillings and seven-pence more than the said securities ought to have paid on the executions aforesaid, which said sum does not appear to your committee to have been credited in the settlement made by the chancellor.

Your committee beg leave to state to this honourable house, that in making up their report on the said petition, they called on the attorney-general, as representing the state and plaintiff in this cause, for his opinion on the claim of the petitioner for a reimbursement of the excess of poundage fees paid by the said securities, which opinion is herewith submitted to this honourable house. Your committee are of opinion, that as the state of Maryland ordered fieri facias against the securities for a greater sum than was actually due to the state, and having endorsed the same on the writs aforesaid, the sheriff was bound to execute said writs, and he having executed said writs, was entitled to poundage fees on the sum made in virtue of said writs, and being in possession of the property taken, (which was not sold, but remained in his hands for want of time to sell the same,) had a right to retain so much thereof as his poundage fees amounted to, and the said securities being compelled to pay the same, in order to release their property from the hands of the sheriff, the state is bound, upon every principle of justice and equity, to reimburse and indemnify the said securities, and therefore submit the following resolution:

RESOLVED, That the treasurer of the western shore pay to Rinaldo Johnson, for and on account of the securities of Thomas Williams, the sum of one hundred and forty pounds fourteen shillings and seven-pence, with interest thereon from the eleventh day of June, 1792, the same being paid to the sheriff on that day, in consequence of the state having issued fieri facias against the said securities for a greater sum than was bona fide due to the state, whereby the said securities were compelled to pay the aforesaid sum of one hundred and forty pounds fourteen shillings and seven-pence to the then sheriff of Prince-George's county, to release their property from the hands of the sheriff, which said sum appears to be the excess of poundage fees between the sum made on the said fieri facias and the sum bona fide due to the state of Maryland.

Your committee find, that the chancellor, when adjusting the accounts of the state against the securities of Thomas Williams, under the authority of the state, committed an error of one hundred pounds, in subtracting the two first lines in his statement, against the securities, which caused the said securities to pay to the state the said sum of one hundred pounds more than they ought to have paid, with interest thereon from the first day of January, 1787, as will appear by the said statement, which said error, your committee find, has not been corrected, nor the money thus erroneously paid to the state refunded to the said securities, to which, in the opinion of your committee, the said securities are justly entitled, and therefore submit the following resolution:

RESOLVED, That the treasurer of the western shore pay to Rinaldo Johnson, for and on account of the securities of Thomas Williams, the sum of one hundred pounds, with interest thereon from the first day of January, 1787, the same being for an error committed by the chancellor in stating the accounts of the state of Maryland against the securities of Thomas Williams, under a resolution of the general assembly, whereby the said securities paid to the state the sum of one hundred pounds more than they ought to have paid, as will appear by the chancellor's statement, in subtracting the second from the first line of figures in said statement, which said error has not been corrected, nor has the money thus paid to the state, in consequence thereof, been refunded to the said securities.

All which is submitted.

By order,

J. S. SKINNER, clk.

Which was read.

The report on the petition of Thomas Meredith, devisee of Benjamin, was read the second time, and the resolution therein contained assented to.