

count, because by the law relating to the sale of the Nottingham Company's property, which was applied to the sale of Buchanan's land, the interest was only to be sunk or merged from and after the 1st of January A. D. 1785; but after the said certificates of Deye's, as well as those of many other persons in a similar situation, were paid into the treasury, the legislature thought it just and proper to say, that the interest due upon them, antecedent to the 1st of January A. D. 1785, ought to be paid, as well as that due after 1785, and which had been allowed by the law of 1787, before mentioned. As the resolution is short the committee, in order to present one view of the whole case, have referred to it.

"Whereas, sundry debtors, in virtue of sundry resolutions assented to by the general assembly of this state, discharged their bonds and accounts in final settlement certificates, which had an interest due thereon previous to the first of January 1785; and the said resolutions authorised a payment of such bonds and accounts in final settlement certificates, bearing an interest from the 1st day of January —; and it is reasonable that the surplus interest should be allowed to them; therefore, Resolved, That the trustee, for the time being, be and he is hereby directed, to pay the amount of such surplus interest in three per cent. stock belonging to this state, after existing appropriations on such stock shall have been satisfied."

It is upon this resolution, as well as upon the principle of equity, that the petitioner founds his claim; and after a most careful and laborious investigation of the matter, which though simple in itself, time has involved in some obscurity, the committee are clearly of opinion, that the claim is just, and ought to be paid, as demanded.

The committee do not deem it necessary to enter into any detail to show that Mr. Deye comes within the terms of the resolution of 1792; that he bought the lands from the state's trustees, is certain; that he paid them in funds, which went directly into the treasury, is admitted; and that these funds exceeded the amount of his purchase by the sum of £874 7 11, arising from the surplus interest due before the 1st of January 1785, is satisfactorily proved. If the resolution of 1792 was not intended to apply to this case, the committee would be at a loss to imagine one to which it would apply.

But if the claim rested alone upon the principles of natural justice and right, independently of that resolution, it would be equally clear, for it is admitted upon all hands, that the state now has in its possession the sum of £874 7 11, in three per cent stocks, received from the certificates paid by Deye into the treasury, and for this amount he has never received any value or consideration whatever.

It may be proper to add, that the committee, in the course of their researches, discovered the reason why the law of 1787 made a difference between the interest due upon the final settlement certificates, after and before the 1st of January 1785, and it is to be found in the act of 1784, chapter 40, by which the state had set apart and pledged certain funds to secure the redemption of the principle of the said certificates, in six years, and the punctual payment of the interest annually, from and after the first of January 1785; the state could not therefore refuse to provide for that part of the interest. But when the resolution of 1792 was passed, the state had actually received from the United States, the whole interest from the date of the certificates both before and after the 1st of January 1785; and therefore as no reason for a distinction longer existed, they provided for the payment of the whole.