

WILLIAM S. GREEN'S
ESTATE.

} MARCH TERM, 1848.

[PRIORITY OF THE STATE—CONSTRUCTION OF RESOLUTIONS OF THE LEGISLATURE.]

It is no exercise of judicial power for the legislature to pass resolutions directing credits to be entered upon judgments recovered by the state against a county clerk, and the sureties upon his bond.

The state has control over her own claims, and the legislature may remit forfeitures incurred by public officers who have become debtors to the state, and in cases where they think proper may surrender interest, or allow, as a credit, interest on credits which they may admit should theretofore have been given; such an exercise of power is no violation of the 4th article of the declaration of rights.

The legislature passed resolutions directing the treasurer "to examine the accounts" of a late county clerk, "and correct the same by crediting him with the commissions allowed by law to county clerks on collections made, and which commissions may have been heretofore withheld because of his delay in making his payments into the treasury within the time limited by law, and with the interest upon the amount of said account," these credits to be "applied to judgments recovered by the state against said clerk, and his sureties," "but nothing herein contained shall relieve the defendants in said judgments from costs and the usual commissions to the state's attorney."

HELD—

That by the true constructions of these resolutions the credits to be allowed could not exceed the amount of the judgments mentioned in them, and no excess of such credits could be applied to the extinguishment of other claims due by said clerk, to the state.

These credits are a gratuitous grant by the state, and such a grant must be restricted to its obvious and plain intent, and be construed most favorably for the government.

Two judgments were rendered against a party on the same day, one at the suit of the state, and the other at suit of a private citizen, that of the state, standing first upon the docket. *HELD*—that the judgment in favor of the state is entitled to priority in payment.

Wherever the state and a citizen have claims in equal degree, and a conflict arises by death or act of the party not having enough to pay his debts, the claim of the citizen must yield to the right of the state.

[The mortgaged real and personal estate of Wm. S. Green, formerly clerk of Anne Arundel County Court, was sold under a decree of this court in this cause, for the purpose of paying the various incumbrances upon it. The bill was filed by the