

Original.
Calvert
Papers.

of Judicature I understand the chief stress of Mr Dulany's opinion on Land Escheated ag^t the Proprietor is "that if he is to be considered as a count Palatine armed with all his Jura Regalia in this light he must be restrained by the same rule as the King is in the case of Escheates & that therefore an office of Entitling is Necessary to enable the Proprietor (as in the case of the King) to grant Escheated Land S^r Robert Henley his opinion is "I see no objection to the Method used for the recovery of Lands Escheated in Maryland, nor no grounds for saying an office should be first found &c" Mr Pratt says "I think no office Necessary to entitle Lord Baltimore at any rate, because it is not Necessary here in England to entitle the King; For by the common Law the King is seized Ipso Facto without office upon the Death of his Tenant without Heir, & it is not clear he may not Grant it over before office, notwithstanding the Statute of H: 6: a subject in a common case may Enter or bring his Writ of Escheat, the Possession is thrown upon the Lord Even before Entry by the Extinguishm^t of the Tenancy & he may grant it over before Entry so that whether Lord Baltimore be invested with the Kings Perogative in this case or considered as a Subject, neither office nor Entry are Necessary to support the Patent" The reasons & stability contained in these two opinions are Evident against the Sophistry & meaning of the part above of Mr Dulany's opinion, Therefore if the point of Escheat was touched upon, which the case turned on the Tryal, then Exceptions should have been taken to the opinion of the court concerning the Evidence & the cause removed to the court of Appeals, in full council, For its solem determination agreeable to Law & Equity; It can't be, Mr Dulany could have no more than Mr Bordley could have influence in that high court against matters of fact, (the Proprietor will not suffer himself to be striped) besides it has further resort to the King & Council; where all Evil would have Ended that may tend on this affair, to Strengthen the General clamour of the People against the right of Escheats to the Proprietor; for as the matter of his rights seems by the Tryal at the Provincial Court, the people without doors will conclude by the Lump of defeat to him; But of this matter, Mr Attorney Bordley can best inform I shall return to the Provincial Court the Supreme Court of Law concerning its keeping clear both from contempt in its self & from reflecting any to the Government;) But how can this be the case, when every Man who sees their three Honours sitting & one of them presiding & dispensing the Law to the whole Province in this Supreme Court, must remember that he has seen & expects again to see them prehaps in a day or two, acting in person as underlings & servants subject to