

they Ruled that what the Witnesses declared they heard an Old Woman say, was good Evidence, contrary to the known rule not to admit hearsay as Substantive Evidence; And lastly, they violated both this & another rule, that a party interested shall not be a Witness, for their Honours ruled that what the Witnesses declared they had heard a person who at the time of which they spoke was in Possession of this Land and claimed it as his own say, concerning the manner in which he came by it, to be good Evidence; And thus they made out those two steps of their Title, & those facts were allowed by the Court to stand in the Special Verdict as proved; They having by this means made out their Title under the Original Patentee, whence consequently there could be no Escheat, & therefore the Escheat Patent void; By the Extraordinary & absurd determinations of their Honours with regard to Evidence; And which may serve as a Precedent for them in other Similar Cases & so Strip the Proprietor of his rights to Escheates, by Pretended proof; And notwithstanding the direction of the Court to the Jury for a Special Verdict (w^h was drawn up) the Def^t Counsel endeavoured to preswade the Jury to find a General Verdict from popular arguments to do so; And notwithstanding M^r Attorney Bordley endeavoured to awaken their Honours from their seeming Lethargy by putting them in mind of their proper Authority, the debate being Ended & Submitted to the Decision of their Honours, they did Stop M^r Goldsboroug; And his Honour the Chief Justice (a Clerk to a County Court) directed the Jury to find a Special Verdict; But at the same time told them, that however they might if they pleased find a General one; Upon this they retired & returned with a General Verdict for the Def^t; And thus M^r Chief Justice as a Weather Cock Blown & Wavering at all points (of Law) his Vane of Judgement setting North East (or rather North West the Blight in America) he Breathed forth (words) & Blasted the face of Justice & Darken'd the proper lights for an Appeal; What a Judge! against his Lord; He has Manifested good cause for his remove from the Seat of Judicature. I understand the Chief Stress of M^r Dulanys 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^a" M^r Pratt says, "I think no office

Calvert
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