

Calvert
Papers
No. 520
[1754] Robinsons moiety of Turkey point in Lieu thereof, Therefore altho' it should be admitted that Robinson was not indebted to Brown, and so Robinsons Heir Injured by the said Act, yet it ought not to be repealed without putting Richard Bennetts Devisee in the same state and condition to Recover the £250.. Sterling (the Security taken for, w.^{ch} was destroyed by the said Act) as he woud have been in, if the said act had never been made, w.^{ch} is not done by the present bill, nor can it be done as no Act of Assembly of Maryland can be Obligatory upon Maurice Burchfield whose Effects are in England, so that the passing the present bill into a Law, it is conceived wou'd be doing as great Injustice to Richard Bennetts devisee, as was done to Robinsons heirs by the Act in 1720 in case Robinson was not indebted to Brown tho' the Contrary Appears to be fully proved by the said Act passed in 1720.

[Opinion of William Murray (1705-1793), afterwards Attorney General, and later Lord Mansfield]

Calvert
Papers
No. 546
1754 1.st Qus^t. . . . Was the Law in 1720, at the time and under the Circumstances it then past and upon the Principles Laid down in the Preamble a just and Right Law and a proper Exertion of the Legislative power of the Province or was there any and what Irregularity in it and are the Objections to and defects in it of such a nature as to have induced a Repeale upon a Recent Application whilst it was res Integra.

I am of Opinion that the Act 1720. upon the face of it is a just and reasonable Exertion of the Legislature in a matter of private property being only to cure a Defect of Forms, and it is to be presumed that every Body was heard.

2^d. . . . In Case the Law of 1720 was Originally Irregular and Defective either in the Circumstances mentioned in the Preamble to the Repealing Law or otherwise Ought such Irregularitys and Defects to have been Considered as Cured & purged away in 1753/ after 30 Years Acquiescence without any Intermediate Disabilitys alleged/or was the Repealing Law then past a Wise and just Interposition of the Legislature upon the foundations mentioned in the Preamble with the Answers Opposed thereto by the Party now Petitioning both Considered together—And when ought the Commissioners of the Customs to have been heard thereon—And as this Law now Stands has the Purchasers Representative any and what remedy for the Moiety of the Purchase money or for any other and what Equivalent or Satisf.ⁿ for the Moiety of the Land in Case he sh.^d be Evicted therefrom and against whom and by what means and how wo.^d you advise him to proceed in Case of such Eviction.

There are no Objections to the Law made out and the Acquiescence for 33. years is a Demonstration that there were none material. I think the Repeal one of the most unjust Arbi-