

ESCHEAT PATENTS.

See PARTITION, 7.

LAND OFFICE, 1 to 3.

EVIDENCE.

1. The recitals in an escheat warrant of the death of a party without heirs, are not *prima facie* evidence that the land is liable to escheat so as to throw the burden of proving the contrary upon the party who resists the patent. *Goodwin vs. Caton*, 160.
2. Where a certificate has been regularly returned on an escheat warrant, and remained long enough in the land office to justify the issuing of a grant, a reasonable *prima facie* presumption arises that the land is escheatable. *Ib.*
3. An escheat grant is *prima facie* evidence that the land granted is liable to escheat. *Ib.*
4. The antedating of notes is not, *per se*, fraudulent or evidence of a dishonest intent, but where parties with a security before them covering a particular description of notes, make notes which upon their face are not within its terms, they cannot show by parol that such notes were antedated in order to bring them within the security. *Ohio Life Ins. and Trust Co. vs. Winn & Ross*, 253.
5. It may be shown by parol evidence which of two parties to a pecuniary obligation, binding upon both, is the principal debtor, so as to adjust the equities as between themselves. *Brown vs. Stewart*, 368.
6. An instrument under seal, attested by a subscribing witness, may be proved in this state without calling such witness. *Shepherd vs. Bevans*, 408.
7. The president and cashier are competent witnesses for the bank, to prove at what time a trustee had knowledge of the transfer of certain stock, part of his trust fund, standing on the books of the bank. *Wayman vs. Jones*, 500.
8. Two co-heirs executed a deed of partition, in which they mutually covenanted that each should hold his part of the land free, and discharged from all title, interest, claim and demand of the other, but neither covenanted to assure the title of the other. HELD—
That one of these co-heirs is a competent witness for the other in an action brought by the latter against a third party, involving the title to a part of the estate conveyed to the plaintiff by the deed of partition. *Morris vs. Harris*, 529.

See INSOLVENT DEBTOR, 1, 2.

PRACTICE IN CHANCERY, 5, 6, 15, 40.

SPECIFIC PERFORMANCE, 5, 6.

INFANCY, INFANTS, 4.

LAND OFFICE, 17.

EXCEPTIONS TO TESTIMONY.

See PRACTICE IN CHANCERY, 17, 18, 19.

EXECUTORS AND ADMINISTRATORS.

See PRACTICE IN CHANCERY, 45.

ORPHANS COURT, 1 to 10, 13.