

said to have ordained an original rule, since they made no reference whatever to the ancient practice, further than by using the word *escheat*, to denote, according to its known import, that the land in the circumstances described should revert, or fall by *accidental* succession, to the state, and adopted a principle believed to be in some degree different from that of the English laws to determine the cases in which this should take place. The intention of these observations is to shew the real ground upon which the free government of Maryland, which permitted the proprietary's long catalogue of royal rights and seignioral privileges to fall into oblivion without a parting notice, adopted this single custom. It is because some system or method was indispensibly requisite for the disposal of lands in the predicament which has been described; and the system of *escheat*, being already in use, and furnished with necessary attendant rules and forms, was too convenient to be rejected on account of the name.

In regard to the principle or rule of *escheat* adopted by the state, to ascertain in what particulars it is new it would be necessary in the first place to speak of the English law upon that subject, so far, at least, as regards *escheats* for want of heirs, for, with forfeitures of any kind our present law of *escheat* has nothing to do. I declined in the former book to examine this matter, because I could not reconcile the practice with any settled principle whatever: I shall still decline any attempt towards a full explanation of the English law of *escheat*, for, it is a subject not treated in any authorities within my reach with that explicitness which might enable a (a) person not professionally conversant in the science of the law to state, with confidence, in what consists that failure of heirs by means of which lands become *escheat*. I will just observe that the rule laid down in law abridgements is that a person's lands are *escheat* when he dies without heirs, general or special. The general heir, or heir at law, is he who after his father or ancestor's death hath a right to, and is introduced into, all his lands, tenements, and hereditaments; and it is held that he must be of the whole blood, not a bastard, and not an alien. The special heir I shall not venture to define, further than by saying that, in a general way, he is one who does not claim, like the other, by the mere act of God, and right of blood; that the description includes the issue in

(a) It is proper here, to observe that I do not throughout this compilation meddle with any subject upon which I have not endeavored to obtain information by reading; and that, although I have not omitted such means as mere conversations with a few professional gentlemen might afford to connect or confirm my impressions, I write finally from those impressions such as they are, and not under the sanction of any other person's opinions consequently no other person is responsible for the correctness of any thing here advanced.