

1765.

tics of the Courts of Justice, it would be very mischievous now to overturn them. The maxim *Communis Error facit Jus* cannot operate more properly than in this Case; and the Court unanimously adjudge the Law to be with the Defendant.

### September Term, 1765.

Present WILLIAM ALLEN, Chief Justice,  
WILLIAM COLEMAN. } Justices.  
ALEXANDER STEDMAN. }

#### *The Lessee of STRICKLAND, versus REBECCA POOLE.*

**T**O prove *Pedigree*, evidence permitted to be given of *Hearsay* a great while ago, before any Dispute stirred

### September Term, 1766.

Present WILLIAM ALLEN, Chief Justice,  
WILLIAM COLEMAN. } Justices.  
ALEXANDER STEDMAN. }

#### *The Lessee of THOMAS versus HORLOCKER.*

**P**LAIN T I F F produced a Deed bearing date sixty three Years ago, appearing on inspection to be ancient; one of the Witnesses proved to be dead, the other not known. Possession had not attended the Deed, and no other account was given of it, or the Witnesses, than by the evidence of a Person who swore he had well known one of the Witnesses, and had seen many Deeds and Papers signed by him, and from thence believed his name to this Deed, to be of his Hand Writing, but had never seen him write. **T H E C O U R T** on Debate thought this a sufficient Proof of the Deed considering its *Antiquity*, and it was read in Evidence.

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