

using due industry, had failed to discover any of them, then he would have so laid that foundation, upon which to claim satisfaction out of the proceeds of the confiscated property of the Mollisons which had been taken into the treasury. 1786, ch. 18. And finally, having failed in every particular; either to shew a want of remedy; or a want of funds, or an ignorance of funds against which his remedy might have been directed, his claim left exposed to the whole force of the presumption against it arising from lapse of time, by which it is completely covered and extinguished.

Upon the whole then, it is my opinion, in the first place, that there is evidence sufficient to shew, that this claim was actually *paid by the Mollisons themselves; in the next place, that it has been justly and absolutely barred and excluded by the **125** special Act of Limitations; 1786, ch. 18, and in the last place, that the great lapse of time since it became due, without the delay being in any manner reasonably accounted for gives rise to a presumption, altogether irresistible, that it must have been in some way or other, fully and completely paid and satisfied.

Whereupon it is decreed, that the claim of the said John M. Hepburn, as administrator *de bonis non*, of the late John Hepburn against the State of Maryland, on account of the confiscated property of William and Robert Mollison, is utterly unfounded and unjust; and that the petition of the said John M. Hepburn, be, and the same is hereby dismissed. And it is further ordered, that the register be, and he is hereby authorized and required to take charge of and safely file and keep among the records of this Court all the papers, documents, and vouchers heretofore exhibited or filed in relation to the said claim, subject to the further order of the General Assembly; and to give copies of all or any of the same, and of this decree, on being paid the fees allowed by law in similar cases.