

Richard before any partition assigned and transferred his moiety to the petitioner Skillington, who hearing of the mandamus granted to Earle, desires that there may be no sale to the said Earle, until he may have a hearing and order be taken for a division of the land and for his having his choice of the two parts.

A third party also appears, to wit, Amy Bishop, late relict of William Eagle, deceased, and, prior to that, widow and relict of the beforementioned John Burges, who claimed an interest in the said land and craved the "first refusal" of it as being escheat for want of heirs of the said Burges.

The decision and order of the council upon the whole case was that the four hundred acres granted to William Turner should be divided by four persons, named for that purpose, between Skillington and Earle; the former to have his choice of the parts;—and that Earle upon paying six thousand pounds of tobacco, with all fees arising for the escheat of his moiety and satisfying Skillington for his charges incurred in procuring the escheat, should have a patent for the part of the land awarded to him saving to the petitioner Amy Bishop her thirds for life in the said part.

LIBER C. B. No. 1, fol. 180.

The following extract shews the directions given to juries and the manner of their reporting the facts found by them.

"To enquire what lands and tenements Thomas Petite, late of the said county, deceased, died seized of at the time of his death as of fee in the county aforesaid, and of what manor and under what rents and services, and how much those lands and tenements were of value by the year in all issues, and at what time the said Thomas Petite died, and who was his next heire, and what age the heire was, and who those lands and tenements had or did occupy, and their issues and profits had or did receive, and by what title and how, in what manner, and who had paid the rent for the same and to whome," &c.

Patent to Randolph Brant, LIBER N. S. No. 2, fol. 25.

The jury in the same case found "That, Thomas Petite died seized in his demesne as of fee of the land in question, as by the patent thereof appeared, to be held of the manor of West Saint Mary's in free and common socage by fealty only for all services, under the yearly rent of nine shillings sterling or four bushels and a half of good corn;—that the said land was worth besides the rent due to him for the same, the sum of four hundred pounds of tobacco per annum; that