the matter added that it was producing nothing, and that it was worth no more than 100 pounds of tobacco a year. Although the mandamus had issued out of the Court of Chancery, it was the Provincial Court (composed, be it remembered, of the same men as Chancery) to which the return was made. The Court decided that this piece of worthless land should be forfeited to the Proprietary for non-payment of rent (*post,* pp. 193-194).

Samuel Pensax of London, mariner, had had patented to him 1000 acres of land on the west side of Chester River, and had had it erected into a manor called Stephenheath. The sheriff of Kent County, Thomas Marsh, being ordered by a *scire facias* to have Pensax or his occupiers appear in court, returned that there was nobody on the land. The rent, too had not been paid for fourteen of the sixteen years since the grant, so the land was declared by the Court escheated to the Proprietary for non-payment of rent and for non-seating (*post,* pp. 315-316).

Often, when land went back to his Lordship, it did so for want of heir. (Kilty: Land-holder's Assistant, pp. 173-177), as it could do and did do in feudal England. In the Thimbleby case, Mary Browne became the substantial owner of a hundred and fifty acres of Potomac River land, under the will of John Thimbleby, one of the original grantees. Next, Mary married Thomas Kertley. Next, she had a son, William. Then she died. Then William died. The property came to William from his mother; it should have gone back to his mother, since William died without issue (Coke on Littleton, p. 13). But Mary, his mother, had died first and the fief was vacant. Thomas Kertley wanted to be the new tenant. The Proprietary issued a mandamus to two commissioners to determine who were the heirs of John Thimbleby and how much the property was worth. By their inquisition, they found out the value of the land and did not say who the heir was. The Provincial Court read and heard the inquisition, and judged "that the One hundred & fifty acres of la[nd] . . . is Escheated unto his Lord[pp] the Lord Proprietary for want of heyre." But the escheat did not mean that the land stayed in the possession of the Proprietary, for the tenant Kertley got a grant for it in his own name. It was probably a petition from him that led to the mandamus, and he, as the discoverer of the escheat, would be preferred if he then applied for a warrant of resurvey (Kilty, p. 174). That he did so apply is shown in the St. Mary's County rent roll (p. 25): "Honest Tom's Inheretance, surveyed . . . for John Thimbelby and William Brown . . . and was after granted to Tho: Kirtley." So Thomas Kertley obtained the land, in his own name (*post,* pp. 5-8).

The Clarke-Wade case also concerned an escheat for want of heir. John Clarke of Anne Arundel County drowned in February 1672, and he left an infant son and fifty acres of land. Neighbor Robert Wade kept the boy and cared for him, occupied the land and paid the rent due. In May 1675, the boy also drowned. Wade kept on occupying the land, and in June 1674 [i.e., 1675], he petitioned the Governor to grant it to him. A writ of inquiry out of the Court of Chancery directed to two Anne Arundel County gentlemen led them to return an inquisition, but to the Provincial Court. They said that the facts