

his lordship's being at some future time paid his rents and dues in respect to those lands ; he therefore moved the court to " appoint some course, either by way of extent or otherwise" whereby his lordship might be secured and satisfied ; whereupon it was ordered that for all lands in the predicament described his lordship, his heirs or assigns, should " from thenceforth have the same *in extent* for thrice the number of years for which the rent remained in arrear, and that he should have power to lease or grant all or any part thereof to any persons qualified to take up land under the conditions of plantation, for such number of years as aforesaid, or for any shorter time &c. the said order to stand in force until some future Assembly should prescribe a different course to be taken for his lordship's satisfaction."

LIBER No. 1. folio 254. —

In Liber No. 4, (folio 534) is a full return of proceedings under a writ of this kind on a deceased person's estate including a sale by *outcry*, and a lease under the privy seal to the purchaser in extent. It appears that, under an order of the provincial court, a kind of a jury of twelve men, consisting of the creditors of the deceased, was summoned, who valued or appraised the land in question to 145 pounds of tobacco yearly, stating that, at that rate extended, it would in ninety-nine years make up the sum of 14355 pounds of tobacco ; and desiring that Thomas Prescott, doubtless one of the creditors and appraisers, might have the *refusal* thereof : upon return of this appraisement, one of the creditors suggested that the land was valued at too low a rate, for which reason, the court, to satisfy all parties, directed it to be sold at outcry. Whereupon proclamation was immediately made by the sheriff that the land belonging to capt. Lewis, at Nanjemoy deceased, was *extended*, and appraised at fourteen thousand three hundred and fifty-five pounds of tobacco for ninety-nine years, and that if any one would give more he was then to appear and so declare ; but no person appearing, the land was awarded to Prescott upon his giving security for the payment of the abovementioned quantity of tobacco, to be divided among the creditors in proportion to the amount of their respective claims, exhibited and allowed ; and it was ordered that the proprietary's secretary should, on his lordship's behalf, pass a grant to the said Prescott of the land aforesaid, agreeably to the certificate remaining in the office, and upon the rent originally reserved, for the term of ninety-nine years, with warranty against any former grant, extent, mortgage, jointure, dower, or other claim or incumbrance whatsoever ; which grant or lease, though only under the privy seal (meaning the secretary's seal of office) was executed accordingly.