

pleasure. Anciently, a large proportion of the king's revenue arose from lands granted by him; as to which the Chancellor and treasurer had checks upon one another. The Chancellor made out all patents for lands; for, no real estate was to be parted with by the crown without the great seal; but then the rents of such tenures were to be accounted for before the treasurer. *Gilb. Exch.* 9, 10. The granting of a franchise, or of any estate of inheritance in lands, could only be done by a regular patent under the great seal, specifying particularly the franchise, or estate granted. But the same degree of *solemnity and caution was not required in disposing of all other things; for, the king might dispose of a chattel under his privy seal; or he might make a lease for years of any crown lands without a patent under the great seal. *Gilb. For. Rom.* 12. **302**

But, after any land had been once legally granted by the king, it could, in no case, be fully and particularly re-vested in him, so as again to become the subject of a new patent to an individual, without office found, or something equivalent to an inquest of office; for it is said to be a part of the liberty of England, that the king's officers should not enter upon other men's possessions, till a jury had found the king's title. Therefore, where the king's title appeared on record, his officers might enter without any office found; as where the lands were held of the crown and the tenant died without heirs, the officers of the king might enter; because the tenure whereby the king's title appeared was upon record. So by the common law, where lands belong to nobody, the king's officers may enter; because by the law, the land is in the crown; for the law entitles him where the property is in no man; but if anybody else were in possession, the lands could not be divested without matter of record. There are two kinds of offices, one an office entitling, that vests the estate and possession of the land in the king where he had but a right or title before; and another called an office of instruction, and that is when the estate of the land is lawfully in the king before, but the particularity of the land does not appear of record. And therefore, although, where the king is entitled by matter of record, there is no need of an office to entitle him; yet there was always an office of instruction found, in order that the land might be distinctly ascertained and specified; for until that was done, although the title was in him, he was prohibited by statute, 8 H. 6, c. 16, and 18 H. 6, c. 6, from making any grant of them to an individual. And therefore, in all cases, where it is proposed to place any lands, which had been held by an individual whose right had been confiscated or forfeited; or whose estate was escheatable, because of its being such as he was incompetent to hold; or whose title had escheated, because of his death intestate without heirs, it was deemed necessary to have the facts found by an inquest of office taken under a commission,