in England, by a writ of *mandamus*, or a *diem clausit extremum*, directed to the sheriff of the county in which the lands lay; upon the return of which, as a reward to the discoverer, at whose instance the *mandamus* had been issued, he was allowed to have the pre-emption of the land so escheated at two-thirds of its value, or that it should be sold, and one-third of the proceeds of sale paid to him.(*t*)

But, in that interval of time, between the years 1692 and 1715, when the government of the province was taken into the hands of the king, although the proprietary's right of soil was admitted, it was yet found difficult, or impracticable to have any such inquests of office executed for his benefit, and as a safeguard to the rights of the citizen; and therefore, during that time, his agents issued warrants, and made out grants for all escheated lands without any previous inquest. After the government was restored to the lord proprietary, the granting of escheated lands without any previous inquest of office was still continued;(*u*) and this practice having been followed up in the same way ever since, under the State government, the holding of an inquest of office in any such case must now be considered as having been thus virtually abolished.(*v*) He who discovers the escheat and sues out an escheat warrant, is entitled, as formerly, to have a patent for the land on paying two-thirds of its value; which value, instead of being ascertained, as formerly, by inquest, is now estimated and returned by the surveyor under his oath of office.(*w*) It has been laid down since the revolution, that the State, as to the lands of the proprietary, stands in his place; and that they remained subject to all claims and rights created and acquired under the proprietary;(*x*) and further, that by the acts of confiscation, passed during the revolutionary war, all British property was seized and vested in the State without office found.(*y*)

What is here said, in regard to inquests of office, must however be understood as applying only to cases where the lands of a citizen have escheated on his death intestate without heirs; for

(*t*) Land Ho. Ass. 102, 114, 174, 194, 261, 283, 319; Lord Prorietary *v.* Jennings, 1 H. & McH. 119; Kilt. Rep. 14 Ed. 3, c. 8, & 8 H. 6, c. 16; Land Records, lib. C. B. 13, &c.; Chan. Pro. lib. C. D. 78; lib. P. L. fol. 90; lib. J. R. fol. 242, &c. (*u*) Greaves *v.* Dempsy, 1 H. & McH. 65; Lord Proprietary *v.* Jenings, 1 H. & McH. 119, 138; Thomas *v.* Wootton, 4 H. & McH. 428.—(*v*) Land Ho. Ass. 160, 162, 176; Owings *v.* Norwood, 2 H. & J. 96.—(*w*) Land Ho. Ass. 319, 435, 438; 1800, ch. 70. (*x*) Land Ho. Ass. 300; Ringgold *v.* Malott, 1 H. & J. 317.—(*y*) Land Ho. Ass. 301, 332; Ringgold *v.* Malott, 1 H. & J. 317; Owings *v.* Norwood, 2 H. & J. 96; Hall *v.* Gittings, 2 H. & J. 112.