

been able to ascertain the origin of the practice; but it seems to have prevailed from an early period of the Provincial government; and appears to have been at all times, and very commonly resorted

that the complainant's right to the said lands had been adjudged to him by due course of law; and therefore, that the only matter under consideration of this Court, was the quantum of the rents and profits, and the interest thereof; and the loss sustained by the complainant by his lands being withheld from him; the case was submitted for a decree to account, &c.

BLADEN, C., 27th May, 1746.—The counsel on both sides being present, and the counsel for the defendants not objecting, but confessing to what was moved for on behalf of the complainant, this Court doth Decree, that the Hon. George Plater, Esq. Messrs. Abraham Barnes, John Hicks, and James Mills, or any three or two of them, take an account of the issues and profits of the land mentioned in the bill of complaint, during the infancy of the complainant; and the time he was kept out of possession of the said lands; and, if need be, to examine evidences concerning the same; and return their proceedings thereon into the Court, with all convenient speed.

Under which order, on the 23d of February, 1747, the following return was made, to wit: "we the subscribers, three of the persons named in the order hereunto annexed, do in obedience thereto, humbly certify, that after due notice had been given to each and every of the defendants in the same cause, that we intended to meet at the house of the petitioner, situate on the premises mentioned in the bill of complaint, on Tuesday, the 26th day of February, instant, in order to execute the power given by the said order; and being so met; there were also Messrs. George Hamilton, who intermarried with the daughter of George Gordon, Kenelmn T. Greenfield, oldest son and heir-at-law of Col. Thomas T. Greenfield, and James Forbes only son and heir apparent of Mrs. Dryden Forbes, in whose presence and hearing were sworn, as evidences, Col. Jos. Jordan, Thomas Shanks, John Bond, John Hult, John Long, Jos. Shanks, John Boulton, Edmund Bouling, and Thomas Brewer, from whose several examinations it appears plainly to us, that the petitioner was out of possession of the land and premises, in his bill of complaint mentioned, from the spring of the year 1718, to the latter end of October, 1739; during all which time the greatest and best part of the tract of land called Mattapony, was held and occupied by George Forbes, deceased, and the rents, issues and profits of the same; and the damage the said Kenelmn Cheseldine sustained thereby, is of the value of 61,500 lbs. of tobacco: and that the rest of the said tract of land, was held by Col. Henry P. Jowles, deceased, from the said spring of 1718 to the time of his death; and by his widow after his death, until her intermarriage with a certain John Jowles, gentleman, deceased; and after his death, by her again until the said October, 1739; and that the rents, issues, and profits of the same; damage the same Cheseldine sustained thereby, is of the value of 1,150 lbs. of tobacco per annum, amounting in the whole, to 23,000 lbs. of tobacco. And the island and tract of land called White's Neck, also mentioned in the same bill, were severally held and occupied for the same space of time by Thomas T. Greenfield, gentleman, deceased; and after his death by Ann Greenfield, his widow, or by his or her under-tenants; and that the rents, issues and profits of the same, and the damage the said Kenelmn Cheseldine sustained thereby was, and is of the value of 31,000 lbs. of tobacco. All