

That by the statute 34. and 35. H. VIII. a reversion *expectant*, or any *interest*, is devisable. Here an *interest vested* by the judgment in 1759. That the act gives a preference to the *relator*, (act 47.) ; that an *equitable* right passed by devise in the case of *Berger and Davls*, *Swinburn*; and that even a Bishop's option is devisable. The other cases cited on this side were, *Holt*. 228; 2 *Vern*. 679; 2 *Burr*. 1131; 1 *Co*. 100; *Act*. 99; 1 *Eq. Ca. ab*. 174. 175; *Shepherd's Touchstone*, 156; *Shepherd's Epit*. 835.

For the plaintiff, it was urged, that intent cannot overcome law; that the interest mentioned in the statute 35. H. VIII. is limited to reversion, remainder or expectancy, and does not fit the present case; that if a relator dies, his heir is not absolutely entitled to a patent; that in case a tenant in tail should die before fine and recovery, notwithstanding the money had been paid by the purchaser, it would not make the estate *sua*; that here *Haughton*, by the patent, took to himself subsequent to his will; that at the time *Haughton* had made his will, he had not in him such an interest or right as to sell the land in dispute; therefore he could not devise: Moreover, that the chief cases adduced for *James*, are authorities only in courts of equity.

(See p. 31.)

Verdict for plaintiff, *i. e.* that the parties hold together and undivided.

REX *versus* WILLIAMS in *Escheat*.

A Motion was made for an attachment against *Parkinson* for contempt, he appearing by affidavit to have said, on being served with an order of last court, 'Damn the papers and those that sent them.' This *Parkinson* had been very instrumental in obstructing an inquisition of escheat; and therefore the former rule was, 'That he might show cause why an information should not go against him.' The present motion was made yesterday, and involved other parties, (*i. e.* jurors), now left out. *Parkinson* answered the first rule by affidavit, but has not had notice of this,—not even the usual one of two days; besides, it is altered since yesterday. For these reasons, notwithstanding the insolence of the contempt,

The rule was granted *nisi*, to show cause the first day of next Court.