

It remains to be observed upon this subject that an act of Assembly passed at a session commencing in April 1671 cured the defects of titles resting upon the assignment of patents or upon other writings wanting the usual formalities. It is entitled "an act for quieting possessions:" it recites that at the beginning of the plantation, and until of late years there was no settled course of conveying lands, tenements, or hereditaments, by means of which, the titles of many bona fide purchasers become doubtful, and law suits in consequence arise :

"Therefore, all sales, gifts or grants theretofore made by writing only, without a seal, to be forever accounted good against the vendors, their heirs and executors, and all persons claiming dower from such vendors &c. any error in the form only, of such writings notwithstanding; and whereas *divers assignments of patents, endorsed* thereon, are worn out, and many other sales in paper either worn out or totally lost, all such sales, &c. as can be proved by witnesses to be good and available, any law, &c. notwithstanding."

The recording of certificates prior to and independent of their being patented is a practice which I must suppose to have been long disused, since, among other matters which nothing short of such a research as has been made for the purpose of this compilation could probably have brought to light, it was not known of late in the land office to have existed, the evidences of it being chiefly in the land records of the council, including those of the select council for land affairs. It is needless to insert examples of this practice; the proofs of it occur in every part of the records abovementioned. The only question is at what period it ceased, and this I cannot venture, upon mere indications and appearances, to determine. It evidently continued, however, till the dissolution of the land council in 1689. During the period of the royal government which reached the year 1715, the violent disputes that took place between lord Baltimore's officers and those of the King, concerning the land office, must necessarily have broken in upon this usage, for the certificates of the governmental surveyors were generally returned to the secretary, who sent them to the proprietary's officers to be patented, and accordingly the issue of patents is in many instances *noted* immediately below the record of the certificates. As a regular practice I cannot be certain that the recording of certificates preparatory to patent was afterwards revived. They might, and in all likelihood they were, recorded where it was desired, for there is to the present day in respect at least to the Western (a) Shore land office, no law or rule that expressly

(a) The register of the Eastern Shore land office is by law directed to record certificates upon their being patented, and *not before*. This di-