

any other person or persons who shall desire grants thereof, according to the conditions of plantation then in force within this province, or other warrant or direction from his lordship, or his heirs, lords and proprietaryys of this province, for the time being, under his or their hand and seale at armes, and that for all other mannors, lands, and plantations, already taken up or seated, or which hereafter shall be from time to time taken up or seated within this province, (not belonging to any orphans under sixteen years of age) which shall happen to be deserted or left uninhabited, by such as shall then have or may claime to have any right or title thereto, and his lordship, or his heirs, lords and proprietaryys of this province, his or their rents due for the same not paid for three years together, it shall be in like manner at any time after the expiration of the said three years, lawfull for his lordship, or his heirs, lords and proprietaryys of this province, or his or their then lieutenant or chiefe governour thereof, (being lawfully authorized as aforesaid) to grant the same or any part thereof, to any other person or persons who shall desire grants thereof, according to the conditions of plantation then in force within this province, or other warrant or direction as aforesaid.

Passed at an assembly, commencing the 29th of April, 1650.

LIBER, No. 3. folio 32.

—
 “ *Upper house of Assembly—September 28th, 1663.*

“ Then came a messenger from the lower house, and question being then moved, whether in case any person hath formerly surveyed land and obtained grant thereof from the lord proprietary, and some other person come afterwards, the surveyor not knowing the former bounds of the land adjacent, and runs his lines within the lines of the land formerly granted, and also obtain grant for the same from the lord proprietary, whether the latter pattentee shall by this act hold the land so by him surveyed and patented, against the former pattentee.

“ And the upper house declared their sense to be, that by this act the latter pattentee shall not hold such land against the former pattentee; and question being further moved, in case land be only surveyed and not patented, whether the title of the first survey shall exclude all after surveys, even though the latter survey has been prosecuted so far as to obtain a grant under the great seal, and the upper house declared their sense to be, that the first certificate being entered upon record, shall exclude the latter survey, though prosecuted so far as to obtain a grant under the great seal, this act notwithstanding, provided the person that hath interest in the first survey have not suffered the time, viz. 12 months (in