

the survey shall be made by the surveyor of the county where the action is brought.

48. In any action of ejectment against two or more defendants, they may sever in their defence; but if plats be necessary, there shall be but one set returned, which shall show the claims and pretensions of all the parties.

49. Where defendants in ejectment sever in their defence, the court shall apportion the costs in such manner as may seem reasonable and just.

50. In all cases of a joint holding by two or more persons, they may declare on a joint demise whether they hold as joint tenants, tenants in common, or in any other manner.

51. If, on the trial of an ejectment, title be shown in any of the lessors of the plaintiff, it shall be sufficient to authorize him to recover to the extent of such title, though other lessors may be joined who have no interest, or may have parted with their interest.

52. In all actions at law where the title to land is in question, it shall not be necessary for any party to any such action to prove that the lands in controversy have been patented; but a patent shall in all cases be presumed in favor of the party showing a title otherwise good; and actual enclosure shall not be necessary to prove possession, but acts of exclusive user and ownership other than enclosure may be given in evidence to the jury, to prove possession; *Provided*, that nothing contained in this section shall affect for the period of fifteen years any previously existing laws relating to the title to lands held in any part of the State, which were granted for military service.

53. No warrant of re-survey shall issue in any action of ejectment, unless the court shall be satisfied that there is a dispute about the location of the lands claimed in said action, nor shall any issue in other actions, unless there is a dispute about the location of the lands for the injury of which damages are claimed, or unless the court shall be satisfied that plats are necessary for illustration.

54. In any action where the parties hold or claim under the same title the lands in dispute, no warrant of re-survey shall