

1904, art. 54, sec. 27. 1888, art. 54, sec. 25. 1860, art. 54, sec. 18.

**28.** If the vacant land, or land which has escheated lies partly in one county and partly in another, the warrant to survey the same may be directed to and executed by the surveyor of either county.

Ibid. sec. 29. 1888, art. 54, sec. 27. 1860, art. 54, sec. 20.

**29.** Any person being the owner in fee simple of any lands may obtain by application to the commissioner of the land office a warrant of resurvey to resurvey said land, whether the same consists of one or several tracts or parts of tracts, and may add any contiguous vacancy thereto.

While a warrant of re-survey gives the holder a prior right according to its seniority, such holder must comply with the rules of the land office, and if, without objection, he allows a party to whom a later warrant has been issued, to acquire a patent, his interest is lost. "Contiguous vacancy" construed in this connection. *Steyer v. Hove*, 12 G. & J. 234.

The right to a warrant of re-survey to include contiguous vacancy, is incident to every legal title; it has no application to an equitable interest. When the contiguous vacancy is not included in a subsequent conveyance. *Hughlett's Case*, 3 Bl. 475; *Hoffman v. Johnson*, 1 Bl. 103.

A patent will not be granted under a warrant of re-survey unless the land is contiguous, though the survey may be corrected. *Wilson v. Markle*, 4 Md. Ch. 535; *Buckingham v. Dorsey*, 1 Md. Ch. 32; *Baker v. Naylor*, 4 Md. Ch. 543.

If, however, the patent has been granted, it will not be vacated because the land was not contiguous, or because the applicant had no legal title. *Buckingham v. Dorsey*, 1 Md. Ch. 32.

Where a warrant of re-survey is issued, the applicant and his assigns acquire an equitable interest in the contiguous vacancy; *contra*, however, as to vacant land separated from the original tract by an elder survey and included in another grant subsequent to the date of said warrant. *Howard v. Cromwell*, 1 H. & J. 118; *Howard v. Cromwell*, 4 H. & McH. 329.

If vacant land, not contiguous, is included in the certificate of survey, it is not notice of the location of the warrant until the certificate is returned to the land office. *Hammond v. Warfield*, 2 H. & J. 151.

If a party after applying for a warrant of re-survey, parts with his title, his warrant of re-survey loses its effect as such, but may operate as a common warrant. *Twiggs v. Jacobs*, 4 Md. Ch. 541. See also, *Buckingham v. Dorsey*, 1 Md. Ch. 32; *Lee v. Hove*, 1 Gill, 188.

A certificate returned on a warrant of re-survey, will not sustain ejectment. *Jenifer v. Baker*, 1 H. & McH. 57; *Seward v. Hicks*, 1 H. & McH. 22.

The office of a warrant of re-survey. *Hoffman v. Johnson*, 1 Bl. 103.  
See notes to sections 33 and 40.

Ibid. sec. 30. 1888, art. 54, sec. 28. 1860, art. 54, sec. 21. 1839, ch. 34, sec. 1. 1841, ch. 333. 1854, ch. 322, sec. 1.

**30.** Any person entitled to lands in fee simple and being in possession thereof and not desiring to add contiguous vacancy may obtain a warrant of resurvey from the land office, and it shall not be necessary in such warrant to state the name of the tract or tracts of land to be resurveyed; and the surveyor of the county to whom such warrant shall be directed shall survey the lands to be affected thereby according to the possession and holding of the person obtaining such warrant, or those under whom he claims for the last twenty years, and shall take proof of such possession and holding.