

This section does not change laws and practice regulating surveys and locations, as to mode of proof of land actually embraced within boundaries described in patents, deeds, etc. Nature of such proof. *Newman v. Young*, 30 Md. 420; *Clary v. Kimmell*, 18 Md. 255.

Plats held to be authorized for illustration only. Evidence. *New York, etc., Co. v. Jones*, 94 Md. 33.

See notes to sec. 76.

An. Code, 1924, sec. 86. 1912, sec. 81. 1904, sec. 81. 1888, sec. 78. 1852, ch. 177, sec. 4.

**86.** Any action where the parties hold or claim under the same title the lands in dispute, no warrant of resurvey shall issue, except in cases where the parties claim different parcels under the same title, and it appears to the court there is a dispute about the location of the divisional line or lines.

See notes to secs. 76 and 85.

An. Code, 1924, sec. 87. 1912, sec. 82. 1904, sec. 82. 1888, sec. 79. 1852, ch. 177, sec. 5. 1872, ch. 346.

**87.** Where a warrant of resurvey shall be issued in any action of ejectment or other action, the party applying for such warrant shall first make the location of his claim and pretension, and such other location as he may think necessary to bring the cause fairly to trial.

Since act of 1852, ch. 177, gives defendant right to take defense on warrant, plaintiff must locate every title paper in strict conformity with the calls, etc., and if plats and explanations do not show them to be so located, they must be rejected at trial. *Clary v. Kimmell*, 18 Md. 254.

This section referred to in construing sec. 85—see notes thereto. *Kelso v. Stigar*, 75 Md. 395.

See notes to secs. 76, 85 and 90.

An. Code, 1924, sec. 88. 1912, sec. 83. 1904, sec. 83. 1888, sec. 80. 1852, ch. 177, sec. 6. 1872, ch. 346. 1882, ch. 372.

**88.** It shall not be necessary in the execution of any warrant of resurvey to locate by actual survey the whole of any tract or parcel of land; but it shall be sufficient to locate by actual survey the beginning or any call or other object by which the location of the tract may be proved and such portion of the lines connected therewith as may be necessary to show the parts of the land in controversy and the questions to be tried and proved by witnesses to be examined in the cause; and all other lines and objects may be located by protraction on the plats by the party making the survey; and such locations by protraction when made by either party shall be conclusive evidence of the correctness of any object or line so located, unless the same shall be differently located by the other party either by actual survey or by protraction; and in case it is so differently located, the jury shall judge between said locations; and all locations by protraction shall be made by course and distance according to the description of the lands so located, to be shown and proved by some patent, deed, or other paper to be given in evidence and shall be connected by the course and distance of some title paper or other competent evidence, with lines and objects located by actual survey; but in making locations by protraction, the surveyor may correct by protraction to calls for corners or objects already located on the plats, either by actual survey or by protraction, and the surveyor shall hereafter return only three copies of the plats and certificates of survey; and it shall not be necessary in said certificates to incorporate any tables of courses and distances, but said certificates shall contain only a brief explanation of the plats and of the tracts of land