

and objects shown on the same, describing by a letter or device the point on the plat where each tract begins, and describing by color, number, etc., the lines on the plat which represent the boundaries of each tract or parcel of land and describing by letter or device the manner and place where and in which all other objects are represented on said plats; and it shall not be necessary to describe the location of any tract or object more than once in each of said certificates, although a greater number of title papers may be offered in evidence containing its lines; but each party shall file with the surveyor, to be returned along with said certificate, a list of the deeds, patents, or other conveyances or title papers which he means to offer in evidence at the trial of the cause, briefly describing the same by date, place of record or other means of identification; and said surveyor shall return said lists along with his certificates; and no title paper shall be offered in evidence by either party unless such list shall have been so delivered by him to said surveyor, nor unless said paper shall appear on said list; and if either party shall make any surveys or locations which the court in its discretion shall think unnecessary, the party requiring the same shall pay the cost thereof; and any party to any cause hereafter tried may give in evidence any patent, deed, or other paper which would be evidence in the cause, if it shall be located in whole, or only such part thereof as may be necessary to prove or illustrate the matters in controversy, either by actual survey or by protraction as herein provided, if said patent, deed or other paper shall be upon the aforesaid list furnished to and returned by the surveyor; and in all actions to trespass *quare clausum fregit*, where the alleged trespass consists of excavations of coal, iron, ore or other mineral or material under ground and such excavations cannot be measured or located on the plats by reason of the same having become inaccessible by falls of earth or otherwise or by the closing or partial closing of the galleries, headings, rooms or other excavations constituting or leading to such trespasses, then and in all such cases it shall be lawful and proper to prove such trespasses by any evidence otherwise competent and admissible, notwithstanding such trespasses cannot be and have not been located on the plats and notwithstanding that the defendant has taken defense on warrant.

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

See notes to secs. 76 and 90.

An. Code, 1924, sec. 89. 1912, sec. 84. 1904, sec. 84. 1888, sec. 81. 1852, ch. 177, sec. 7. 1829, ch. 186.

89. The plats and certificates of survey in every case may be amended at bar; where the locations do not correspond with the variation the same may be amended at bar to correspond therewith; objects to which the proof applies may be placed on the plats and witnesses may be examined who were not sworn on the survey; provided, the court shall be satisfied the ends of justice will be attained by such amendment of plats and admission of witnesses.

The amendments of plats must be made according to law and practice of ejectment, so that something may be supplied which was unknown or overlooked at time of survey. No location may be made by amendment which could not have been permitted at time of survey. *Tome Institute v. Davis*, 87 Md. 608.

This section dispenses with necessity of having a witness *sworn* on survey in order to make him competent at trial, but does not render a witness who was not on survey competent at trial, with regard to location of any object upon plat. Law prior to this section. *Morrison v. Hammond*, 27 Md. 619.

See notes to sec. 76.