

some patent, deed, or other title-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; and if either party shall make any surveys or locations which the court in its discretion should think unnecessary, then the party requiring the same shall pay the cost thereof, and any party to the suit may give in evidence any patent, deed, or other paper, which would be competent evidence in the cause, if it shall be located either by actual survey or by protraction, as herein provided, or by both.

25. 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, and a witness may be shown to be interested without locating his interest on the plats; *provided*, the court shall be satisfied the ends of justice will be attained by such amendment of plats, and admission of witnesses.

26. In no action shall plats be considered as pleadings or evidence *per se*; nor shall any counter location be necessary to put the party locating any tract, line, or object, on the proof of such location; and the opposite party may controvert the same without any counter location.

27. It shall not be necessary to state the name by which lands may have been patented, in declarations^o in actions of ejectment, dower, trespass, or case, but the same may be described by abutments, course, and distance, by any name it may have acquired by reputation, or by any other description certain enough to identify the same.

REPLEVIN.

28. The court upon return of any writ of replevin shall have power, upon motion being made by the defendant for a return of the property taken under the writ, to inquire into the circumstances and manner of the defendant's obtaining possession of such property, and if it shall appear that such possession was forcibly or fraudulently obtained, or that the possession being first in the plaintiff was got or retained by the defendant without proper authority or right derived from the plaintiff, the court may refuse to order a return to the defendant until a judgment is given in the action.

29. If the defendant in replevin shall be returned "summoned," and shall not appear, in person or by attorney, on or before the fourth day of the term next succeeding that to which such return shall be made, the court shall on motion enter judgment for the plaintiff for the property replevied, and for nominal damages and costs; and the same proceedings shall be had upon the return of two "*non ests*" as upon a return of "summoned."

Art 75, s 57
1829, c 186,
1852, c 177, s. 7
Amendment of
plats and certifi-
cates
27 Md 604.

Witnesses.

Id s 58.
1852, c 177, s 8
Plats not to be
deemed plead-
ings or evi-
dence
18 Md 246
Counter
location

Id s 21
1852, c 177, s 10
How lands may
be described in
ejectment,
dower, trespass
or case

Art 75, s 59
1785, c 80, s 14
Return of prop-
erty in
replevin, when
to be refused
8 G & J 340
4 H & McH 391

Id s 60
1825, c 85, s 2,
1852, c 336.
Defendant in
replevin failing
to appear, when
judgment to be
entered