

1132 PLEADINGS, PRACTICE AND PROCESS AT LAW. [ART. 75.

the extent of such title, though other plaintiffs may be joined who have no interest, or may have parted with their interest.

Carroll's Lessee v. Norwood, 5 H. & J. 174.

P. G. L., (1860.) art. 75, sec. 52. 1852, ch. 177, sec. 2.

76. 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.

Lloyd v. Gordon, 2 H. & McH 254. *Cheney v. Ringgold*, 2 H. & J. 87. *Hall v. Gittings*, 2 H. & J. 112. *Hammond v. Ridgely*, 5 H. & J. 264. *Casey v. Inlocs*, 1 Gill, 500. *Cresap's Lessee v. Hutson*, 9 Gill, 269. *Hoye v. Swan's Lessee*, 5 Md. 237. *Armstrong v. Risteanu*, 5 Md. 256. *Stump v. Henry*, 6 Md. 202. *Warner v. Hardy*, 6 Md. 525. *Thistle v. Frostburg Coal Co.*, 10 Md. 130. *Ridgely v. Bond*, 17 Md. 14. *Van Bibber's Lessee v. Frazier*, 17 Md. 436. *Gittings v. Moale*, 21 Md 135. *Morgan's Lessee v. Slider*, 22 Md. 267. *Nutwell v. Tongue's Lessee*, 22 Md. 419. *Dean v. Brown*, 23 Md. 11. *Davis v. Furlow*, 27 Md 536. *Morrison v. Hammond's Lessee*, 27 Md. 604. *Israel v. Israel*, 30 Md. 125. *Beatty's Lessee v. Mason*, 30 Md. 414. *Newman v. Young's Lessee*, 30 Md. 417. *Baker v. Swan's Lessee*, 32 Md 358. *Hammond v. Morrison's Lessee*, 33 Md. 102. *Campbell's Lessee v. Fletcher*, 37 Md. 430. *Campbell v. Shipley*, 41 Md. 81. *Hiss v. McCabe*, 45 Md. 83.

Ibid. sec. 53. 1852, ch. 177, sec. 3.

77. No warrant of resurvey 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.

Mitchell v. Mitchell, 2 Gill, 230. *Ibid.*, 8 Gill, 98. *Ibid.*, 1 Md. 44. *Ibid.*, 6 Md. 224. *Newman v. Young's Lessee*, 30 Md. 417. *Parker v. Willis*, 60 Md. 16.

Ibid. sec. 54. 1852, ch. 177, sec. 4.

78. In any action where the parties hold or claim under the same title the lands in dispute, no warrant of resurvey shall issue,