

passes cannot be, and have not been, located on the plats, and notwithstanding that the defendant has taken defence on warrant.

Budd v. Brooke, 3 Gill, 198. Wilson v. Inloes, 6 Gill, 152. Mitchell v. Mitchell, 8 Gill, 102. Houck v. Loveall, 8 Md. 63.

P. G. L., (1860,) art. 75, sec. 57. 1852, ch. 177, sec. 7. 1829, ch. 186

81. 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.

Berry's Lessee v. Willett, 2 H. & McH. 376. King v. Tarlton, 2 H. & McH. 473. Scott's Lessee v. Ollabaugh, 3 H. & McH. 511. Gill's Lessee v. Cole, 3 H. & McH. 576. Chaplin's Lessee v. Keedy, 3 H. & McH. 578. Gittings' Lessee v. Hall, 1 H. & J. 14. Howard's Lessee v. Cromwell, 1 H. & J. 115. Darnall's Lessee v. Goodwin, 1 H. & J. 282. Hall v. Gittings' Lessee, 2 H. & J. 112. Ibid., 2 H. & J. 380. Stoddert's Lessee v. Manning, 2 H. & J. 148. Howard v. Moale's Lessee, 2 H. & J. 249. Tenant v. Hambleton, 3 H. & J. 233. Stewart's Lessee v. Mason, 3 H. & J. 507. Bowie v. O'Neale, 5 H. & J. 226. Wall v. Forbes, 1 H. & G. 441. Rogers' Lessee v. Raborg, 2 G. & J. 54. Addison v. Hack, 2 Gill, 221. Mitchell v. Mitchell, 8 Gill, 102. Armstrong v. Risteau, 5 Md. 257. Tyson v. Shubey, 5 Md. 540. Carroll's Lessee v. Granite Manuf. Co., 11 Md. 400. Morrison v. Hammond's Lessee, 27 Md. 604.

Ibid. sec. 58. 1852, ch. 177, sec. 8.

82. 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.

Mundell v. Perry, 2 G. & J. 205. Medley v. Williams, 7 G. & J. 68. Casey v. Inloes, 1 Gill, 430. Budd v. Brooke, 3 Gill, 228. Funk v. Hughes, 5 Gill, 315. Clary v. Kimmel, 18 Md. 246. Newman v. Young, 30 Md. 419.

Equitable Defences.

1868, ch. 547.

83. It shall be lawful for the defendant in any action at law (including plaintiff in replevin where avowry or cognizance is