

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. Inloes, 1 Gill, 500. Cresap's Lessee v. Hutson, 9 Gill, 269. Hoye v. Swan's Lessee, 5 Md. 237. Armstrong v. Ristean, 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.

1888, art. 75, sec. 77. 1860, art. 75, sec. 53. 1852, ch. 177, sec. 3.

80. 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. Wallis, 60 Md. 16. Walsh v. McIntire, 68 Md. 421. Kelso v. Stigar, 75 Md. 394. Hackett v. Webster, 97 Md. 411.

Ibid. sec. 78. 1860, art. 75, sec. 54. 1852, ch. 177, sec. 4.

81. In 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.

Parker v. Wallis, 60 Md. 16.

Ibid. sec. 79. 1860, art. 75, sec. 55. 1852, ch. 177, sec. 5. 1872, ch. 346

82. Where a warrant of resurvey shall be issued in any action of ejectment or other action, the party applying for