

CHAP. 177.

CHAPTER 177.

Passed May 22, 1852. *AN ACT for amending proceedings in actions at Law.*

Proceedings may be amended, so that each case may be tried on its real merits.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That in all suits and actions at law, any of the proceedings, including the writ or summons, may be amended so that each case may be tried on its real merits, and the purposes of justice subserved; writs may be amended from one form of action to another, when the ends of justice require it, and any amendment may be made at any time before the jury retire to make up their verdict, in cases of jury trial, and in cases of demurrer and other trials before the court at any time before judgment is entered.

Lands in controversy.

SEC. 2. *And be it enacted,* That 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 user and ownership, other than enclosure may be given in evidence to the jury to prove possession; *Provided,* that nothing herein contained shall effect, for the period of twenty years, any existing laws relating to the title to lands held in any part of this State, which were granted for military service.

Proviso.

Action of ejectment.

SEC. 3. *And be it enacted,* That no warrant of re-survey, 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 land, for the injury of which damages are claimed.

Parties holding or claiming under same title.

SEC. 4. *And be it enacted,* That in any action where the parties hold or claim under the same title, the lands in dispute, no warrant of re-survey 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.

Cost of survey by whom to be paid.

SEC. 5. *And be it enacted,* That where the court shall consider a warrant of re-survey necessary, if the same be had at the instance of the defendant, or is made necessary by the defence taken, in such cases the defendant shall first make his survey, and if the warrant