

of re-survey be had at the instance of the plaintiff, he shall first make his survey, and if it shall appear to the court at the trial of the cause, that a survey was not necessary, then the party requiring the same shall pay all the cost of the surveys. CHAP. 177.

SEC. 6. *And be it enacted*, That where surveys and plats are necessary, the line or lines, the location of which is disputed, may be located without locating the whole tract, so where the lines of a neighboring tract are necessary for proof or illustration, such line or lines may be located without locating the whole tract. Lines may be located without locating whole tract.

SEC. 7. *And be it enacted*, That the plots and certificates of survey in every case, may be amended at bar, and objects to which the proof applies, may be placed on the plots, 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 plots and admission of witnesses. Plots and certificates of survey, may be amended at bar, &c. Proviso.

SEC. 8. *And be it enacted*, That 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. Counter location.

SEC. 9. *And be it enacted*, That no continuance shall be granted upon amendments of the plots, writs or any of the proceedings, but the case shall proceed as if no amendment had been made, unless the court shall be satisfied that the ends of justice require a continuance. Continuance not to be granted upon amendments of plots, &c.

SEC. 10. *And be it enacted*, That it shall not be necessary to state the name by which lands may have been patented, in declarations, in action 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. Not necessary to state name.

SEC. 11. *And be it enacted*, That this act shall not apply to cases now pending, and shall not affect any plea of limitations in abatement, to the jurisdiction or other dilatory plea. Not to apply to cases now pending.