

surveyor shall give at least one month's notice prior to the time of beginning the same, by publication in some newspaper of the county or city of Baltimore in which the vacant land is situate, by at least two consecutive insertions. Said notice shall contain a description of the alleged vacant land as stated in the warrant; and in the certificate of survey, the surveyor shall certify to the publication of such notice. And any person may obtain a proclamation warrant by applying to the commissioner of the land office, and paying him the cost of the warrant, and one-tenth of the composition money due on the certificate proposed to be proclaimed.

The manner of obtaining a patent and preventing same. The sufficient designation by one who wishes to purchase from the state, gives him an incipient title as against all others; nature of such title. What is a sufficient designation? *Cunningham v. Browning*, 1 Bl. 299. See also *Chapman v. Hoskins*, 2 Md. Ch. 486.

Where two certificates of survey and grants bear the same date, he who got the earlier warrant, prevails, although the other party's grant was actually issued first. *Karn v. Hughes*, 3 H. & J. 210.

The qualities of the different kinds of warrants, set out. *Hammond v. Norris*, 2 H. & J. 130. As to a proclamation warrant, see also *Attorney-General v. Snowden*, 1 H. & J. 332.

The warrant and certificate defined. *Chesapeake Canal Co. v. B. & O. R. R. Co.*, 4 G. & J. 6.

For cases involving common warrants, see *Howard v. Moale*, 2 H. & J. 249; *Hall v. Gittings*, 2 H. & J. 112; *Railroad v. Hoye*, 2 Bl. 258.

See notes to secs. 32 and 40.

An. Code, sec. 28. 1904, sec. 27. 1888, sec. 25.

**27.** If the vacant land, or land which has escheated lies partly in one county and partly in another, the warrant to survey the same may be directed to and executed by the surveyor of either county.

An. Code, sec. 29. 1904, sec. 29. 1888, sec. 27.

**28.** Any person being the owner in fee simple of any lands may obtain by application to the commissioner of the land office a warrant of resurvey to resurvey said land, whether the same consists of one or several tracts or parts of tracts, and may add any contiguous vacancy thereto.

While a warrant of re-survey gives the holder a prior right according to its seniority, such holder must comply with the rules of the land office, and if, without objection, he allows a party to whom a later warrant has been issued, to acquire a patent, his interest is lost. "Contiguous vacancy" construed in this connection. *Steyer v. Hoye*, 12 G. & J. 234.

The right to a warrant of re-survey to include contiguous vacancy, is incident to every legal title; it has no application to an equitable interest. When the contiguous vacancy is not included in a subsequent conveyance. *Hughlett's Case*, 3 Bl. 475; *Hoffman v. Johnson*, 1 Bl. 103.

A patent will not be granted under a warrant of re-survey unless the land is contiguous, though the survey may be corrected. *Wilson v. Markle*, 4 Md. Ch. 535; *Buckingham v. Dorsey*, 1 Md. Ch. 32; *Baker v. Naylor*, 4 Md. Ch. 543.

If, however, the patent has been granted, it will not be vacated because the land was not contiguous, or because the applicant had no legal title. *Buckingham v. Dorsey*, 1 Md. Ch. 32.

Where a warrant of re-survey is issued, the applicant and his assigns acquire an equitable interest in the contiguous vacancy; *contra*, however, as to vacant land separated from the original tract by an elder survey and included in another grant subsequent to the date of said warrant. *Howard v. Cromwell*, 1 H. & J. 118; *Howard v. Cromwell*, 4 H. & McH. 329.

If vacant land, not contiguous, is included in the certificate of survey, it is not notice of the location of the warrant until the certificate is returned to the land office. *Hammond v. Warfield*, 2 H. & J. 151.