

An. Code, 1924, sec. 25. 1912, sec. 26. 1904, sec. 25. 1888, sec. 23. 1781, ch. 20, secs. 4, 8. 1874, ch. 354.

25. Any vacant land, whether cultivated or uncultivated, and any land which has escheated by reason of the last owner in fee simple dying intestate thereof and without heirs may be taken up by any person by complying with the provisions herein contained.

That part of land has at times been cultivated is no objection to patent. *DiLegge v. Peper*, 148 Md. 269.

With reference to necessity of owner having died seized of land in *fee simple*, see *Cunningham v. Browning*, 1 Bl. 316, note (g). See also *Kelly v. Greenfield*, 2 H. & McH. 121.

For case involving act of 1781, ch. 20, sec. 8, in connection with the confiscation acts, see *Owings v. Norwood*, 2 H. & J. 103.

Cited but not construed in *Southgate v. Annan*, 31 Md. 117.

See secs. 32 and 40 and notes.

An. Code, 1924, sec. 26. 1912, sec. 27. 1904, sec. 26. 1888, sec. 24. 1860, ch. 35. 1861, ch. 3. 1894, ch. 191. 1910, ch. 748 (p. 165).

26. Any person may obtain a special warrant by applying to the commissioner of the land office, on paying the caution money for one acre of land, and the sum of five dollars (\$5.00) the cost of the warrant. And a special warrant shall also have the same effect and application as a common warrant heretofore had; and no common warrant shall hereafter be issued. The application for a special warrant shall state in what election district of the county or ward of Baltimore City the alleged vacant land is situate, and a sufficient description of the lands and lines bounding on the alleged vacant land; and before proceeding to the execution of the warrant, the 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, 1924, sec. 27. 1912, 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, 1924, sec. 28. 1912, 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