takes place then to be recinded to the said George Jacob Schley or his legal representatives for the faithful performance of which we engage in the penal sum of one thousand pounds Maryland currency each in witness whereof we have hereto interchangeably set our hands and seals. John Schley (Seal) John Peter (Seal)
Signed sealed and delivered in the presence of us Wm. B. Hobbs, Francis Hagan. Copy of the orig.l in my possession J. Schley —

The State of Maryland, towit; To the Sheriff and surveyor of Frederick County Greeting. Whereas at a General Court begun and held at the city of Annapolis on the second tuesday of May in the year of our Lord one thousand eight hundred and five it was so far proceeded in a certain plea of trespass and ejectment in the said court depending between a certain Richard Penn Lessee of George Jacob Schley plaintiff, and a certain John Peter defendant that it was considered absolutely necessary for the better information of the said Court and the Jury in the truth of the premises that one house one barn one stable one Garden one orchard and one hundred acres of land twenty acres whereof is wood land twenty acres meadow land and sixty acres arable land with the appurtenances lying in the County aforesaid be carefully resurveyed and laid out according to the ancient metes and bounds thereof as in the original certificate of survey thereof is expressed to the end that the said lands in controversy and the claims and pretences of both parties may more plainly and indifferently appear to the court and jury therefore you the said surveyor in the presence of you the said sheriff are hereby commanded carefully to resurvey and lay out as well the said lands in dispute as any other land adjacent thereto which shall be thought necessary by the said plaintiff or defendant to be laid out for the better illustration of the matter according to the claims and pretentions of the plaintiff in the presence of the defendant if he being summoned think fit to be present and without any interruption of him the said defendant or if absent notice to be left at his place of residence or last place of abode and likewise survey and lay out the same lands in dispute as aforesaid according to the claims and pretentions of the defendant in the presence of the plaintiff if he being summoned think fit to be present without any interruption of him the said plaintiff or if absent notice to be left at his place of residence or his last place of abode and you the said sheriff are hereby empowered to examine upon oath any witness or witnesses that by either of the said parties shall be produced in relation to the same and you the said sheriff are hereby ordered to give both the said parties thirty days notice before the day of the execution of this writ and you the said surveyor are hereby commanded to return five certificates and plots therefor drawing the pretences of the plaintiff in black lines and the pretences of the defendant in pricked lines as well under the hand and seal of you the said sheriff as you the said surveyor to the said General Court to be held at the city of Annapolis on the second

(Tuesday)

Tuesday of October next that the said Court and Jury being rightly informed of the truth of the premises may further proceed therein as to Justice appertains and so forth. Witness the honourable Jeremiah Townly Chase Esquire chief Judge of the said Court the fourteenth day of May in the year of our Lord one thousand eight hundred and five. Issued the 24th day of June 1805. Arthur Shaaff & John J. Mason for the plaintiff. Luther Martin & Philip B. Key for the Defendant.

Jno. Irwin Clk.

(Plot and certificate)

And now here on the day and at the place aforesaid before the Judges of Frederick County Court appears the said Richard Penn lessee of the said George Jacob Schley by Arthur Shaaff his attorney but the said John Peter devisee of the said John Peter by his attorney aforesaid doth not appear thereupon on motion of the said Richard Penn lessee of the said George Jacob Schley by his said attorney it is ruled by the court here that the said John Peter devisee of the said John Peter employ new counsel to defend in the plea aforesaid by the next court to be held for the County aforesaid on the first monday of August next and unless he doth Judgment will be rendered against him by default this same day is given to the said John Peter devisee of the said John Peter &c.

Whereupon on motion of the said Richard Penn lessee of the said George Jacob Schley by his attorney aforesaid leave is given by the court here to the parties aforesaid to amend the plots and certificates transferred to the court here in this cause and to add thereto if necessary by the said first monday of August next.

And now here at this day towit the first monday of august in the year one thousand eight hundred and six comes again into court here as well the said Richard Penn lessee of George Jacob Schley by his attorney aforesaid as the said John Peter devisee of the said John Peter by Philip Barton Key his attorney and the said John Peter devisee of the said John Peter by his attorney defends the force and injury and saith that the said John Peter is not guilty of the trespass and ejectment in the declaration aforesaid mentioned in manner and form as the said Richard Penn lessee of the said George Jacob Schley complains and of this he puts himself upon the country and the said Richard Penn lessee of the said George Jacob Schley in like manner.

Whereupon for trying the issue aforesaid between the parties aforesaid joined. It is ordered by the court here that twenty persons from the pannell of petit Jurors be drawn by ballot according to the act of assembly in such case made and provided and thereupon the twenty Jurors being so drawn by ballot and written upon two lists one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists thereupon the remaining twelve persons being called come that is to say, Edward Botsler, Henry Creager, John Deal, John Walling, Joel Jacobs, Joseph Hodges, George Rinehart, George Bontz, George Oats, John Houck, Henry Talaistock and Joseph Little who being impannelled and sworn to say the

(truth)