aforesaid of the said Richard Smith Lessee as aforesaid in the plea aforesaid come again into the general court as well the said Richard Smith Lessee as aforesaid by his attornies aforesaid as the said Jacob Perky by his attorney aforesaid and the said Jacob Perky by his attornies aforesaid defends the force and injury when &c and takes defence according to his pretentions as they shall appear to be laid down on the return of a warrant of resurvey to be ispued in this cause and says that he is not guilty of the trespass and ejectment aforesaid in the declaration aforesaid mentioned in manner and form as the said Richard Smith Lessee as aforesaid above complains against him and of this he puts himself upon the County and the said Richard Smith Lessee as aforesaid in like manner and thereupon on motion of the said Richard Smith Lessee as aforesaid by his attornies aforesaid it is ordered by the Court that the writ of the State of Maryland of warrant of resurvey ispue in this cause and the same accordingly ispued directed to the Sheriff and surveyor of Alleganey County in form following to wit.

The State of Maryland To Wit.

seal

To the Sheriff and Surveyor of allegany County Greeting whereas at a General Court begun and held at the City of Annapolis on the second Tuesday of October in the year of our Lord one thousand eight hundred it was so far proceeded in a certain plea of Trespass and ejectment in the said Court depending between a certain David Ross Horatio Ross Archibald Ross and William Stewarts Lessee Plaintiffs and a certain Jacob Perkey 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 all that tract or parcel of

plantable Land called white oak Level situate in the County of Alleganey aforesaid with the appurtenances be carefully resurveyed and laid out according to the ancient meates and bounds there of 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 pretensions 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 pretensions 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 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 surveyors are hereby commanded to return fair 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