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five thousand dollars current money and therefore he brings his suit &c
B Howard for plff Pledges &c John Doe. Richard Roe

Thereupon on motion of the said John Kimberly of Michael by his attorney aforesaid leave is given by the court here to here to the said John Kimberly to ascertain his defence and answer to the declaration aforesaid of the said John Denn lessee as aforesaid in the plea aforesaid until the second monday of october next; the same day is given to the said John Denn lessee as aforesaid &c

At which said second monday of october in the year eighteen hundred and seventeen till which said day the said John Kimberly had leave to ascertain his defence and answer to the declaration aforesaid of the said John Denn lessee as aforesaid in the plea aforesaid comes again into the County court here as well the said John Denn lessee as aforesaid by his attorney aforesaid as the said John Kimberly by his attorney aforesaid and the said John Kimberly by his attorney aforesaid defends the force and injury when &c and takes defence according to his pretensions as they shall appear to be laid down on the return of a warrant of resurvey to be issued 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 John Denn lessee as aforesaid against him hath declared and of this he puts himself upon the Country and the said John Denn lessee as aforesaid in like manner: and thereupon on motion of the said John Denn lessee as aforesaid by his attorney aforesaid It is ordered by the Court here that the writ of the State of Maryland of warrant of resurvey issue in this cause and the same accordingly issues directed to the sheriff and surveyor of allegany County in form following to wit:

Maryland ss. The State of Maryland to the sheriff and surveyor of allegany County Greeting. Whereas at a County Court begun and held at the Court house in the Town of Cumberland on the second monday of october in the year of our Lord eighteen hundred and seventeen it was so far proceeded in a certain plea of trespass and ejectment in the said court depending between a certain John Denn lessee of William Lamar plaintiff and a certain John Kimberly of Michael 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 that lot or parcel of plantable land situate lying and being in Beales first addition to Cumberland and known upon the plot of the Town of Cumberland by lot number thirty two lying

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and being in allegany 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 lands 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 notice before the day of the execution of this writ and you the said surveyor are hereby commanded to return five fair certificates and plots thereof 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 County court to be held at the Court house in the Town of Cumberland on the third monday of April 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 Honorable John Buchanan Esquire chief Judge of our said Court the 13th day of october 1817. Issued the 16th day of March 1818.

Aza Reall Clk

And thereupon the same day is given to the parties aforesaid, there and then and so forth, at which said third monday of April being the twentieth day of the same month, in the year of our Lord eighteen hundred and eighteen and the day of the return of the aforegoing warrant of resurvey comes again into the County court here as well the said John Denn lessee as aforesaid as the said John Kimberly by his attorney aforesaid and the sheriff and surveyor of the