Wood to ascertain their defence and answer to the declaration aforesaid of the said Jacob Goodtitle Lessee as aforesaid in the plea aforesaid until the second Tuesday of September next the same day is given to the said Jacob Goodtitle Lessee as aforesaid and so forth.

At which said second Tuesday of September being the eleventh day of the said Month in the year of our Lord one thousand seven hundred and seventy till which said day the said Richard Gardener and Benjamin Wood had leave to ascertain their defence and answer to the declaration aforesaid of the said Jacob Goodtitle Lessee as aforesaid in the plea aforesaid come again into the Provincial Court here as well the said Jacob Goodtitle Lessee as aforesaid by his attorney aforesaid, as the said Richard Gardener and Benjamin Wood by their attorney aforesaid; and the said Richard Gardener and Benjamin Wood by their attorney aforesaid, defend the force and injury, when and so forth, and take defence according to their pretensions as they shall appear to be laid down on the return of a Warrant of Resurvey to be issued in this Cause, and say, that they are not guilty of the trespass and ejectment aforesaid in the declaration aforesaid mentioned in manner and form as the said Jacob Goodtitle Lessee as aforesaid, above complains against them and of this they put themselves upon the Country; and the said Jacob Goodtitle Lessee as aforesaid in like manner; And thereupon on the motion of the said Jacob Goodtitle Lessee as aforesaid by his attorney aforesaid, it is ordered by the Court here, that the Writ of the Lord Proprietary of Warrant of Resurvey issue in this Cause; and the same accordingly issues directed to the Sheriff and Surveyor of Charles County, in form following, to wit;

Jacob Goodtitle Lessee of Walter Hyde Hooton by Walter Hooton his Guardian against Richard Gardiner & Benjamin Wood

Maryland ss. Whereas at a Provincial Court, held at Annapolis the second Tuesday of September Instant the Plaintiff and Defendants by their attornies appeared, and this Cause standing for trial and for that it is absolutely necessary for the better information of the Court and Jury, in the truth of

of the Premises, That all that Tract or parcell of plantable land called Mitchells Branch lyeing and being in Charles County containing two hundred acres of Land with the appurtenances be carefully resurveyed and laid out, according to the ancient Metes and bounds thereof, as in the Orginal Certificate of Survey thereof is expressed, and to the end, that the said Land in Controversy and the claims and Pretensions of both parties, may more plainly and indifferently appear to the Court and Jury: It is ordered by the said Court that his Lordship's Surveyor of Charles County, for the time being, or any other discreet and skilfull person in his absence, to be nominated and appointed by the said Plaintiff and Defendants in the presence of the Sheriff of the said County, carefully resurvey and lay out as well the said Land in dispute, as any other the Lands adjacent thereto, which shall be thought necessary by the said Plaintiff or Defendants 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 Defendants if they being summoned, think fit to be present and without any Interruption of them the said Defendants or if absent Notice to be left at their place of Residence, or last place of abode; And likewise survey and lay out the same Land in dispute, as aforesaid, according to the claims and Pretensions of the Defendants in the presence of the Plaintiff if he being summoned, think fit to be present, without any interruption of the Plaintiff, or if absent, notice to be left at his place of Residence, or last place of abode. And the said Sheriff is hereby ordered to give both the said parties thirty days notice before the day of the execution of this writ; and the said Sheriff is 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 the same Surveyor is hereby commanded to return five fair Certificates and Plots therefore, drawing the pretences of the Plaintiff in black lines and the Pretences of the Defendants in pricked lines, as well under the Hands and Seals of the said Sheriff,

as,