in the said Court depending between a certain John Doe lessee of Thomas Beale of Samuel and a certain David Lynn defendant that it is considered absolutely necessary for the better information of the said Court and Jury in the truth of the premises that all those tracts or parcels of land called Walnut Bottom containing five hundred acres and the Brothers or the resurvey on the Brothers containing nine hundred and forty three acres lying and being in the County aforesaid with their appurtenances be carefully surveyed and laid out according to the ancient meets and bounds thereof as in the original certificates of surveys ~~thereof are expressed~~ to the end that the said land 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 pretentions of the Defendant in the presence of the plaintiff if he being summoned think fit to be present without any interruption to 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~~ you the said sheriff are hereby ordered to give both the said parties thirty days notice before the execution of this writ and you the said surveyor is hereby commanded to return five fair plots and certificates thereof drawing the pretences of the plaintiff in black lines and the pretences of the defendant in pricked lines as well under the hands 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 informed of the truth of the premises may further proceed therein as to justice appertains and so forth. Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 11th day of October 1813

Issued the 4th day of December 1813. Hanson Briscoe clerk

And the said David Lynn the Defendant tenant in possession by his attorney aforesaid defends the force and injury when and so forth and prays leave of the Court here to imparle until the third monday of april 1814 and then to answer and so forth and to him it is granted and the same day is given to the said Thomas.



At which said third monday of April in the year eighteen hundred and fourteen being the 18th day of the same month to which said day the said David Lynn had leave to imparle come again into Court the parties aforesaid by their attorneis aforesaid and thereupon the said Thomas Beale of Samuel files in Court here the following affidavit to wit:

| | |
|---|---|
| Thomas Beale of Samuel's Lessee<br>vs<br>David Lynn tenant | Ejectment in Allegany County Court |

On this 23d day of April 1814 Thomas Beale of Samuel the plaintiff in the above case personally appears in open court and made oath on the Holy Evangels of Almighty God that he verily believes that a fair and impartial trial cannot be had in allegany County Court in the above suit. Taken and certified in open Court 1814 april 23

Hanson Briscoe clk.

Thereupon on motion of the said Thomas Beale of Samuel by his attorney aforesaid it is ordered by the Court here that a transcript of the record of proceedings in the plea aforesaid be transmitted to Washington County Court for trial agreeably to the laws of the State of Maryland in such case made and provided

In testimony whereof I have hereunto set my hand and affixed the public seal of allegany County Court this 3d day of September 1814

(Seal)

Hanson Briscoe clk

And on this day to wit the 4th monday of october in the year aforesaid come into Washington County Court here as well the said John Doe lessee as aforesaid by Real Howard and Roger B Taney his attorneys as the said David Lynn by Roger Perry and Upton Lawrence his attorneys thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attorneis aforesaid and by order of Court thereon is continued until the fourth monday of march next.

At which said fourth monday of March being the twenty seventh day of the same month in the year of our Lord eighteen hundred and fifteen comes again into Court here as well the said John Doe lessee as aforesaid by his attorneis aforesaid as the said David Lynn by his attorneis aforesaid ~~and~~ pray leave of the Court here to amend the plots and certificates returned by the sheriff and surveyor of allegany County to the Court here in this cause and to add thereto if necessary by the fourth monday of october next and to them it is granted and the same are delivered to the sheriff and surveyor aforesaid for that purpose. Thereupon further process of and upon the premises aforesaid between the parties aforesaid by the consent of the said parties and their attorneis aforesaid and by order of the Court thereon is further continued until the fourth monday of october next.

At which said fourth monday of october being the twenty third day of the same month in the year of our Lord one thousand eight hundred and fifteen comes again into Court here as well the said John Doe lessee as aforesaid by his attorneis aforesaid as the said David Lynn by his attorneis aforesaid thereon further process of