to wit, James Middleton late of Charles County yeoman was attached to answer unto Jeremiah Dyer in a plea wherefore with force and arms &c. at the county aforesaid he the said James Middleton broke and entered the close of him the said Jeremiah Dyer and the grass and herbage then and there growing he the said James Middleton with his feet and the feet of his cattle and servants by walking trod down consumed and spoiled and fifty oak trees, fifty Hickory trees and fifty Gum trees to the value of five hundred dollars then and there growing he the said James Middleton cut down took and carried away and other harms to him the said Jeremiah Dyer he the said James Middleton then and there did to the great damage of him the said Jeremiah Dyer and against the peace government and dignity of the State of Maryland &c. and whereupon the said Jeremiah Dyer by Clement Dorsey his attorney saith that whereas the said James Middleton on the first day of January in the year of our Lord eighteen hundred and nineteen and on divers other days and times between that day and the day of the impetration of the writ original in this case with force and arms &c. broke and entered the close of the said Jeremiah Dyer situate lying and being in the Parish of — in the county of Charles and then and there the said James Middleton the grass and herbage then and there growing with his feet and the feet of his cattle and servants by walking trod down consumed and spoiled to the value of fifty dollars and fifty oak trees to the value of one hundred Dollars, fifty hickory trees to the value of one hundred dollars and fifty Gum trees to the value of one hundred dollars then and there growing he the said James Middleton cut down took and carried away, and with cattle to wit, Horses, Mares Geldings, cows oxen, and sheep eat up and depastured the grass and corn of the said Jeremiah Dyer of great value to wit of the value of fifty dollars, then growing and being in the said close and with divers other horses mares, Geldings Sheep and cattle and also with the wheels of divers carts wagons, and other carriages, crushed damaged and spoiled other the grass Herbage and corn of the said Jeremiah Dyer of great value to wit of the value of fifty dollars there then also growing and being and with the feet of the said horses, mares and Geldings and with the wheels of the said carts Wagons and other carriages tore up subverted damaged and spoiled the earth and soil of the said close and other harms to the said Jeremiah Dyer he the said James Middleton then and there did to the great damage of him the said Jeremiah Dyer and against the peace government and dignity of the State of Maryland and so forth, and whereupon the said Jeremiah Dyer saith he is injured and hath sustained damage to the amount of one thousand dollars and therefore brings suit &c.

Pledges | John Doe &
Richard Roe | Clement Dorsey for Plff.

and thereupon on motion of the said Jeremiah Dyer by his attorney aforesaid it is ruled by the court here that the said James Middleton answer to the declaration of the said Jeremiah Dyer in the plea aforesaid and if the said James Middleton doth not answer to the declaration of the said Jeremiah Dyer in the plea aforesaid Judgment will be rendered against him by default, and the said James Middleton by his attorney aforesaid defends the force and injury when &c and prays leave of the court here to imparle until the third Monday in August next to answer to the declaration of the said Jeremiah Dyer in the plea aforesaid and he hath it the same day is given to the said Jeremiah Dyer then and so forth.

At which said third Monday of August being the twentieth day of the same month in the year of our Lord one thousand eight hundred and twenty one until which said day the said James Middleton had leave to imparle and then to answer to the declaration aforesaid of the said Jeremiah Dyer in the plea aforesaid come again into the county court here as well the said Jeremiah Dyer by his attorney aforesaid as the said James Middleton by his attorney aforesaid and the said James Middleton by his attorney aforesaid as before defends the force and injury when &c and saith that he is not guilty of the trespass aforesaid as he the said Jeremiah Dyer above against him hath

complained, and of this he puts himself upon the country &c. and the said James Middleton by leave of the court here and according to the form of the Statute in such case made and provided, further defends the force and injury when &c and saith that the aforesaid Jeremiah Dyer his action aforesaid thereof against him to have or maintain ought not because he saith that the place in which &c is supposed the trespass aforesaid was done, is and at the said time in which &c was one close of land with the appurtenances in the county aforesaid, which said close with the appurtenances is and at the same time in which &c was the proper soil and freehold of the said James Middleton, wherefore the said James Middleton at the said time in which &c. that close as the close and proper soil and freehold of him the said James Middleton entered and the grass and herbage, late growing there &c. in the declaration aforesaid mentioned as the proper grass and herbage of him the said James Middleton with his feet and the feet of his cattle and servants by walking trod down consumed and spoiled and the oak trees, Hickory trees and gum trees in the declaration mentioned there late by growing then and there cut down took and carried away as the proper soil freehold and trees of him the said James Middleton as it was lawful for him, so to do and this he is ready to verify, Wherefore he prays Judgment if the said Jeremiah Dyer his action aforesaid thereof against him to have or maintain ought and so forth, and the said Jeremiah Dyer by his attorney aforesaid saith as to the said plea of the said James Middleton by him first above pleaded, whereof he hath put himself upon the country, the said Jeremiah Dyer in like manner &c. and as to the said plea of the said James Middleton by him lastly above pleaded the said Jeremiah Dyer says that he by reason of any thing in that plea above alledged ought not to be precluded from having or maintaining his said action against him the said James Middleton because he saith that the place in which &c is supposed the trespass aforesaid was done in and at the same time in which &c was one close of land with the appurtenances in the county aforesaid which said close with the appurtenances is and at the same time in which &c was the proper soil and freehold of him the said Jeremiah Dyer and this he prays may be inquired of by the country and the said James Middleton in like manner &c. and thereupon on motion of the said Jeremiah Dyer by his attorney aforesaid it is ruled 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 Charles County Greeting. Whereas at a county court begun and held at Port Tobacco in and for Charles County aforesaid on the third Monday in August in the year of our Lord one thousand one thousand eight hundred and twenty one it was so far proceeded in a certain plea of trespass quare clausum fregit in the said court depending between a certain Jeremiah Dyer Plaintiff and a certain James Middleton 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 — lying and being in Charles County aforesaid containing — 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 layout as well the said lands in dispute as any other lands adjacent thereof 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 layout 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