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 parties ten days notice before the day of the execution of this writ. And you the said Surveyor are hereby commanded to return your 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 as you the said Surveyor to the said County Court to be held at Port Tobacco on the third Monday of March 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 Honourable John Johnson Esquire Chief Judge of the first Judicial District of Maryland the 1st day of September Anno Domini 1821

Issued the 2d day of October 1821

John Barnes Clk

And thereupon the same day is given to the parties aforesaid there and thence and so forth.

At which said third Monday of March being the eighteenth day of the same month in the year of our Lord one thousand eight hundred and twenty two and the day of the return of the aforegoing Warrant Resurvey comes 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 Sheriff and Surveyor of the County aforesaid to whom the said warrant of Resurvey was in form aforesaid directed make return thereof to the Court here with five plots and certificates thereto annexed. Whereupon the parties aforesaid by their attornies aforesaid pray leave of the Court here to amend the said plots and certificates returned to the Court here in this cause, and to add thereto if necessary by the third Monday in August 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 consent of the said parties and their attornies aforesaid, and by order of the Court here thereon is further continued until the third Monday of August next.

At which mentioned third Monday in August being the nineteenth day of the same month in the year of our Lord one thousand eight hundred and twenty two 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 Sheriff and Surveyor of the County aforesaid to whom the said plots and certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended. Whereupon the parties aforesaid by their attorneys aforesaid pray further leave of the Court here to amend the said plots and certificates returned to the Court here in this cause and to add thereto if necessary by the third Monday of March 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 consent of the said parties and their attornies and by order of the Court here thereupon is further continued until the third Monday in March next.

And now here at this day to wit the third Monday of March being the seventeenth day of the same month in the year of our Lord one thousand eight hundred and twenty three 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 Sheriff and Surveyor of the County aforesaid to whom the said plots and certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended. Whereupon for trying the issue aforesaid command is given to the Sheriff of the County aforesaid that he cause to come before the Court here immediately twelve &c. by whom &c and who neither &c to recognize &c because as well &c and thereupon for trying the issue aforesaid it is ordered by the Court here that twenty persons from the pannel of petit Jurors be drawn by ballot according

to the act of Assembly in such case made and provided, and thereupon the twenty persons being so drawn by ballot according to the act of Assembly in such case made and provided, and thereupon the twenty persons being so drawn by ballot and written upon two lists, one of which said lists is delivered to the counsel for the respective parties, and the Counsel for each of the said parties having stricken out four persons from the said lists thereupon the said remaining twelve persons being called come to wit Thomas Perry, Edward Hamilton, Walter M Millan, Jonathan T Dunnington, William T Ford, Thomas Rogerson, Richard Gardiner, George Dement, William Thompson, Alexander Dent, John B E Dent and James B. Pye who being empannelled and sworn to say the truth in the premises upon their oath do say that the said James Middleton is guilty of the premises above upon him imposed in manner and form as the said Jeremiah Dyer above against him complains, and they assess the damages of him the said Jeremiah Dyer by occasion of the premises to the sum of seventy five dollars, therefore it is considered by the Court here that the said Jeremiah Dyer recover against the said James Middleton the said sum of one thousand dollars certain damages (to be released on payment of the above sum of seventy five dollars by the Jurors aforesaid in form aforesaid assessed with interest thereon from the twenty second day of March in the year of our Lord one thousand eight hundred and twenty three until paid as also the sum of three hundred and sixty three dollars seventy one and two third cents, for his costs and charges by him about his suit in this behalf laid out and expended &c. to the said Jeremiah Dyer by the Court now here with his assent adjudged and the said James Middleton in mercy &c.

Memorandum before the Jurors aforesaid withdrew from the bar of the Court here the said James Middleton by his Attorney aforesaid files in Court here the following Bill of exceptions to wit:

Jeremiah Dyer vs. James Middleton } Charles County Court March Term 1823. Trespass qua clausum fregit.

In the trial of this cause the Plaintiff to support the issue on his part joined offered in evidence to the Jury the plats and explanations (here insert them) he then offered in evidence the patent of a tract of land called Jordan and also the Deed from the patentee to John Smith who entered and was seized, and made his Will which was offered in Evidence "Charles Absolute &c To all persons &c Know ye that for and in consideration that William Joseph of Calvert County in our said province of Maryland hath due unto him fifteen hundred acres of land within our Manour of Zachaya in our said province of Maryland being due unto him by our special grace and favour expressed in our Lres to him bearing date at London the twenty sixth day of January one thousand six hundred and ninety and further confirmed by us in our Lre to him dated at London aforesaid the tenth day of October one thousand six hundred and ninety four as by the several clauses of our said Lres relating to our said gift remaining registered in our Land office at doth appear. Wee doe therefore hereby grant unto him the said William Joseph all that tract or parcell of land called Jourdan lying in St Maries County in his Lordships Manour of Zachaya and bounded as followeth viz. Beginning at a bounded Spanish Oake standing on a point at the mouth of a small branch falling into the Mane branch of Zachaya swamp about half a mile above the coach road where it crosseth the said Mane Branch and on the south side of the said small branch bounded on the east with the said Mane Branch and running down and with the said Mane branch these following courses viz. South ten degrees westerly one hundred and eight perches then south thirty degrees westerly forty perches then south twenty degrees westerly one hundred and forty perches then south ten degrees westerly one hundred forty eight perches then south twenty five degrees westerly one hundred and two perches then south one hundred and sixty perches to a bounded white Oake standing at the mouth of a small branch falling into the said Mane branch of Zachaya swamp thence with a line drawn west south west five hundred and ten perches