of Frederick county court, that I did on the fourth day of February eighteen hundred and twenty six, serve Philip Bleeding tenant in possession of the premises mentioned in the declaration hereunto annexed, or some part thereof with a true copy of the declaration and notice thereunto written and hereunto annexed, and at the same time I read to him the notice thereunder written. So answers Thomas Carlton Sheriff."

Whereupon the said John Denn, Lessee as aforesaid, by his attorney aforesaid, prays that the said Richard Fenn the defendant, and the said Philip Bleeding the tenant in possession of the said premises, or those under whom he claims, to the declaration aforesaid may appear: and whereupon the said Philip Bleeding by his attorney Joseph L Palmer Esquire, in pursuance of the notice aforesaid, comes into court here, whereupon it is ruled by the court here, with the consent of the said John Denn, Lessee as aforesaid, by his attornies aforesaid and the said Philip (who claims the title in question) by his attorney aforesaid, that the said Philip be admitted defendant in the place of the now defendant Richard Fenn, the casual ejector, and that he plead the general issue to the declaration aforesaid, and at the trial thereon to be had the said Philip Bleeding shall appear in his proper person, or by his attorney or counsel, and confess the lease, entry, and actual ouster and expulsion of so much of the tenements in the declaration of the said John Denn Lessee as aforesaid, as is in the possession of the said Philip or his tenants or of any other person claiming by or under his title, or in default thereof that judgment be entered against the now defendant Richard Fenn the casual ejector, but that prosecution be stayed against him until he makes default in any of the premises, and it is further ruled by the court here, with consent of counsel, that if by reason of such default, the said John Denn Lessee as aforesaid, shall become nonsuit at the trial, the said Philip Bleeding shall take no advantage thereof, but shall pay the said John Denn Lessee as aforesaid his costs &c. And it is further ruled by the court here, that if upon the trial of the said issue, a verdict shall be given for the said Philip, or if the said John Denn Lessee as aforesaid, shall not prosecute his declaration upon any other cause than for the not confessing lease, entry and ouster as aforesaid, then the said John House, Lessee of the aforesaid John Denn shall pay costs &c. Thereupon on motion of the said Philip by his attorney aforesaid, leave is given to ascertain his defence and to answer to the declaration aforesaid of the said John Fenn Lessee as aforesaid, in the plea aforesaid, until the first Monday of August next, the same day is given to the said John Denn Lessee as aforesaid &c.

At which said first Monday of August being the seventh day of the month in the year of our Lord eighteen hundred and twenty six,

till which day the said Philip had leave to ascertain his defence, and answer to the declaration aforesaid of the aforesaid John Denn Lessee as aforesaid in the plea aforesaid, come into our court here, as well the said John Denn Lessee as aforesaid, by his attorney aforesaid, as the said Philip by his attorney aforesaid: and the said Philip 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 above complains against him, 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 attornies aforesaid, it is ordered by the court here, that the writ of the State of Maryland of warrant of resurvey issued in this cause, and the same accordingly issues, directed to the Sheriff and Surveyor of our said county in form following to wit:

Frederick County to wit. Whereas it is absolutely necessary for the better information of the court and jury in the truth of the premises, that all that tract or parcel of land called "More bad than good" lying and being in Frederick county be carefully resurveyed and laid out according to the ancient metes and bounds thereof, and to the end that the said land in controversy, and the claims and pretensions of both parties, plaintiff and defendant may more plainly and indifferently appear to the court and jury, it is ordered by the said court, that the Surveyor of Frederick county for the time being, or any other discreet and skilful person in his absence to be nominated and appointed by the said plaintiff and defendant, in the presence of the Sheriff of the same county carefully resurvey and lay out as well the said land in dispute as any other lands adjacent thereto, which shall be thought necessary by the said plaintiff and defendant for the better illustration of the matter, according to the claims and pretensions as well of the plaintiff in the presence of the defendant, if he thinks fit to be present, and without any interruption of the said defendant, as of the defendant in the presence of the plaintiff, if he thinks fit to be present, and without any interruption of the said plaintiff. And the said Sheriff is hereby ordered to give both the said parties notice of the day on which this writ is to be executed, and the said Sheriff is also 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 thereof, drawing the pretensions of the plaintiff in black lines, and the pretensions of the defendant in red lines, as well under the hand and seal of the said Sheriff, as the

Seal of Frederick County Court.