of our Lord one thousand eight hundred and thirty four till which day the said the said Eleanor Ellis had leave to ascertain her defence and answer to the declaration of the said John Denn Lessee as aforesaid in the plea aforesaid come again in the County Court here as well the said John Denn Lessee as aforesaid by his attorney aforesaid as the said Eleanor Ellis by her attornies aforesaid and the said Eleanor Ellis by her attornies aforesaid defends the force and injury when and so forth: and takes defence according to her 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 she 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 her and of this she puts herself 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 attorney aforesaid it is ordered 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 Saint Mary's County in form following to wit:

Saint Mary's County to wit. The State of Maryland to the Sheriff and surveyor of Saint Mary's County Greeting. Whereas at a County Court begun and held at Leonard Town on the first Monday of August in the year of our Lord one thousand eight hundred and thirty four it was so far proceeded in a certain plea of Trespass and ejectment in the said Court depending between a certain John Denn Lessee of Francis Knott plaintiff and a certain Eleanor Ellis defendant that it was considered absolutely necessary for the better information of the said Court and jury in the truth of the premises, that all that tract or parcel of plantable land called Penerine lying and being in Saint Mary's County aforesaid containing one hundred and sixty nine acres with the appertenances be carefully resurveyed and laid out according to the ancient meets and bounds thereof as in the original certificate of survey thereof expressed to the end that the said lands in controversy and the claims and pretences of both parties may more plainly and indeferently 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 she being summoned think fit to be present and without any interruption of her 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 pretensions of the defendant in the presence of the plaintiff if she being summoned think fit to be present without any interruption of him the said plaintiff or if absent notice to be left at her 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 the said Sheriff are hereby ordered to give both of the said parties thirty days notice before the day of the execution of this writ and you the said surveyor are hereby commanded to return fair 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 Leonard Town on the first Monday of March next, that the said Court and Jury being rightly informed of the premises may further proceed therein as to Justice

appertains and so forth: Witness the Honorable John Stephen Esq.r chief Judge of the first Judicial District the 4th day of August 1834 Issued the 20th day of August 1834.

G. N. Catty for pltff. N. S. Ridgely & Wm. for Deft. J. H. Harris, Clk.

And thereupon the same day is given to the parties aforesaid then and there and so forth. At which said first Monday of March being the second day of the same month in the year of our Lord one thousand eight hundred and thirty five and the day of the return of the aforegoing warrant of resurvey comes again into the County Court here as well the said John Denn Lessee as aforesaid by his attorney aforesaid as the said Eleanor Ellis by her attornies 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 that they had in virtue of the said warrant of resurvey proceeded to execute the same, but that they had not been able fully to complete the said survey as by the said warrant they were commanded, and the said John Denn Lessee as aforesaid files in Court here the following affidavit to wit:

Francis Knott's Lessee vs. Eleanor Ellis.

Saint Mary's County Court - March Term 1835 - Gerard Ch. Leonard in counsel for the plaintiff in this case makes oath on the Holy Evangely of Almighty God that he has with a view to the location of the tract of Land called Penerine mentioned in the declaration filed in this cause used his endeavours to procure a deed containing the courses of the same but has not as yet been able to do so - this deponent further states that he has written to the Register of the Land office for a copy of the patent of said tract of land but has not yet received it, he further states that a rigid investigation shall be made before the next Term and he has reason to believe that the necessary munements of title to enable the plaintiff to complete his survey will be procured - this deponent further states that last fall he applied to the clerk of the Court of appeals and obtained from him an extract of a deed for said land but said extract does not contain the courses - March 13th 1835 Sworn to in open Court.

J. H. Harris, Clk.

Whereupon the parties aforesaid by their attornies aforesaid pray leave of the Court here to complete the said surdey under the warrant aforesaid by the first Monday of August next and to them it is granted and the same day is therefore given to the said parties then and there and so forth: At which said first Monday of August in the year of our Lord one thousand eight hundred and thirty five comes again into the County Court here as well the said John Denn Lessee as aforesaid by his attorney aforesaid as the said Eleanor Ellis by her attornies aforesaid and the said sheriff and surveyor of the County aforesaid to whom the warrant of resurvey aforesaid was in form aforesaid directed and under which leave was given to complete the survey make return thereof to the Court here with fair plots and explanations thereof thereto annexed and certain depositions taken before them to wit:

No. 1. The deposition of Clement Brown aged about 41 years or thereabouts after being duly summoned and sworn on the Holy Evangely of Almighty God, deposeth and saith that a blue cloured stone where he now standeth is the beginning of a tract of land called Penarine which land was formerly owned by Charles Stewellin and further this deponent saith not.

Geo. H. Morgan, Shff.

No. 2. The deposition of Clement Brown aged about 41 years or thereabouts after being duly summoned and sworn on the Holy Evangely of Almighty God deposeth and saith where he now stands at a large popular was one of the boundarys