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 the said parties ten days notice before the day of the execution of this Writ; and you the said Sheriff are hereby commanded, to return five fair certificates and plots therefor, drawing the pretences of the plaintiff in black lines, and the defences 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 Court at the Court house in Elkton aforesaid on the first day of April next that the said Court and Jury being rightly informed of the truth of the premises may further proceed therein as to Justice appertains be.

Witness the Honble E. F. Chambers Chief Judge of the said Court the 25th day of October A.D. 1841. Issued the 25th day of October A.D. 1841.

James Sewall Clk.

O. S. for Plff.

J. C. J. for Deft.

And thereupon the same day is given to the parties aforesaid, then and there and so forth. At which said first monday of April in the year 1842 and the day of the return of the foregoing warrant of Resurvey comes again into the County Court here as well the said David as the said John H. and Margaret by their said attornies. 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 & certificates thereto annexed with the following deposition taken before them to wit:

David Brown
vs
John H. Harlan and wife

Trespass in Cecil County Court

Patrick Ewing aged about fifty years being duly summoned and sworn, deposeth and saith that his father told him that the stone fence which he now points out to Sheriff and Surveyor was built by a part of the soldiers of the revolution who encamped here a few days and that they built said fence for Samuel Ewing who gave them rum while at work, and that from the fence he draws westward to the first line of Dividing is covered with timber, and this deponent further saith that he was present at a Survey of Dividing about the year 1818 and that in running the first line of said Dividing about the year 1818 and that in running the first line of said last they struck several marked trees and that the stump which he now shows he believes to be the stump of one of those trees and that said tree had evidently been marked a long time ago and this deponent

(further)

further saith that a fence formerly stood on the ground which he now points out when said land was in the occupancy of John Dickson and being interrogated by defendant why said fence was moved and the land given up to to George Gillespie and by whom was it moved saith he believes it was moved by a Commissioner to establish Green's delight but saith he cannot say by whom it was moved but remembers hearing Dins say to his father we have been moving that fence to day between Dickson and me and was moved to where it now stands as shown to Sheriff and Surveyor and that it was moved somewhere about forty years ago, and further this deponent saith that at the survey before mentioned the measure ran out near an old stump of a Spanish Oak or red Oak tree and which they then considered the second corner of Dividing and that he now shows the Sheriff and Surveyor the spot where said stump stood and their reason for thinking it the corner was that the ground and timber there answered description given in the patent; and being asked by defendant to point out Green's Branch saith that the stream he now shows is called Green's Branch, and deponent further saith that he was present some years ago when Mr. Hollingsworth was about to locate a land warrant for Mr. Harlan and that he began said survey at the place he now points out to Sheriff and Surveyor and deponent saith that he was present on this occasion in consequence of a notice to attend in a disputed case between Mr. Harlan and himself and that after he arrived the Surveyor told him he was about to lay a land warrant and that he might attend or not just as he pleased, and further this deponent saith that the enclosures he now points out have been enclosed ever since his recollection and that the enclosure now shown the Sheriff and Surveyor has been there ever since he can recollect and that part of the fence which he now shows stands where it stood after Dickson came on the property thirty five or forty years ago and that the balance thereof was built by Dickson on the foundation of the old fence and that Dickson exercised the rights of ownership on the open spaces which he points out in a line with said fences, and being interrogated by defendant whether she had not fences in said spaces, between Dickson's enclosures, in Dickson's life time, answers and says that she did forcibly put up a fence on one of said spaces on Dickson's land and that Dickson grumbled about it till the time of his death which happened two or three years after being interrogated as to what force was used, answers and says it was done without Dickson's leave and against his Will and that the fence on the east end of the enclosures formerly stood on the west side of an old road and that it now stands in the middle of said road.

Sworn and subscribed Feby. 4th 1843

James Woodford Depy. Clk.

Patrick Ewing

(David)