of survey thereof is expressed, to the end that the said land 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 laid out, as well the said land 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 elucidation 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 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 he being summoned, thinks 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 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 surveyor are hereby commanded to return five 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 Port Tobacco, on the third Monday in July next. That the said Court and Jury being rightfully informed of the truth of the premises may further proceed therein as to Justice appertains and so forth.— Witness the Honorable Alexander C. Magruder, Chief Judge of the First Judicial District of Maryland the 31st. day of March 1846. Issued the 28th day of April 1846—

W. Mitchell, Clk. of Charles County Court.—

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

At which said third Monday of July being the twentieth day of the same month in the year of our Lord one thousand eight hundred and forty six, and the day of the return of the aforegoing warrant of resurvey comes again into the County Court here as well the said John Doe, Lessee as aforesaid by his attorney aforesaid as the said Henry S. Mitchell by Daniel C. Digges and John M.S. Causin, his attorneys, and the sheriff and the surveyor of the County aforesaid, to whom the warrant of resurvey was in form aforesaid directed, make no return thereof to the Court here, by reason of the non completion of the said resurvey. Whereupon the parties aforesaid, by their attorneys aforesaid, pray leave of the Court here to complete the survey of the lands and premises aforesaid in the declaration of the said John Doe Lessee as aforesaid mentioned, under and by virtue of the warrant of resurvey heretofore issued in the plea aforesaid and to them it is granted.

Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by their attorneys aforesaid, and by order of the Court here thereon is further continued until the third Monday of February next.—

At which mentioned third Monday of February being the fifteenth day of the same month in the year of our Lord one thousand eight hundred and forty seven and the day given by the Court to the parties in this cause, to return the aforegoing warrant of resurvey, comes again into the County Court here as well the said John Doe, Lessee as aforesaid by his attorney aforesaid, as the said Henry S. Mitchell by his attornies aforesaid, and the sheriff and surveyor of the County aforesaid, to whom the

said warrant of resurvey was in form aforesaid directed, make no return thereof to the Court here by reason of the non completion of the said warrant resurvey.—

Whereupon the parties aforesaid, by their attorneys aforesaid, pray further leave of the Court here to complete the survey of the lands and premises aforesaid in the declaration of the said John Doe, Lessee as aforesaid, under and by virtue of the warrant of resurvey heretofore issued in the plea aforesaid, and to them it is granted.—

Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties by their attorneys aforesaid by order of the Court here thereon is further continued until the third Monday of July next.—

At which mentioned third Monday of July being the nineteenth day nineteenth day of the same month in the year of our Lord one thousand eight hundred and forty seven come again into the County Court here as well the said John Doe Lessee as aforesaid by his attorney aforesaid as the said Henry S. Mitchell by his attorney aforesaid and the said sheriff and surveyor of the County aforesaid, to whom the said warrant of resurvey was in form aforesaid directed make no return thereof to the Court here by reason of the non completion of the said resurvey.

Whereupon the parties aforesaid by their attorneys aforesaid pray further leave of the Court here to complete the survey of the land and premises aforesaid, in the declaration of the said John Doe Lessee as aforesaid mentioned under and by virtue of the warrant of resurvey heretofore issued in the plea aforesaid and to them it is granted.

Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties by their attorneys aforesaid by order of the Court here thereon is further continued until the third Monday of February next.—

At which mentioned third Monday of February being the twenty first day of the same month in the year of our Lord one thousand eight hundred and forty eight come again into the County Court here as well the said John Doe, Lessee as aforesaid, by his attorney aforesaid as the said Henry S. Mitchell by his attorney aforesaid and the said sheriff and surveyor of the County aforesaid, to whom the said warrant of resurvey was in form aforesaid directed make no return thereof to the Court here by reason of the non completion of the said resurvey and the said defendant by his said attorneys offers himself ready for trial in the plea aforesaid. Thereupon the said plaintiff by her said attorney suggests to the Court here, that she cannot safely proceed now here to the trial of this cause because &c. Therefore it is considered by the Court here, that the said Defendant recover against the said plaintiff Lessee as aforesaid the sum of _____ for his costs and charges by him sustained about his defence in this behalf since the last continuance of the plea aforesaid.— Whereupon the parties aforesaid by their attorneys aforesaid pray further leave of the Court here, to complete the survey of the lands and premises aforesaid, in the declaration of the said John Doe Lessee as aforesaid mentioned under and by virtue of the warrant of resurvey issued in the plea aforesaid, and to them it is granted.—

Whereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, by their attorneys aforesaid, and by order of the Court here thereon is further continued until