damage to the value of one hundred dollars, and therefore he brings suit &c.

Thomas Deeringer & Wm Kilgour
Attorneys for Plaintiff

Thereupon on motion of the said Rachael Slider by her attorney aforesaid, leave is given by the Court here to the said Rachael Slider to ascertain her defence and answer to the declaration aforesaid of the said Richard Roe lessee as aforesaid, in the plea aforesaid, until the second Monday of April next; the same day is given to the said Richard Roe lessee as aforesaid &c:

at which said second Monday of April as aforesaid till which said day the said Rachael Slider had leave to ascertain her defence and answer to the declaration aforesaid of the said Richard Roe lessee as aforesaid, in the plea aforesaid, come again into the Circuit Court, as well the said Richard Roe lessee as aforesaid, by his attorneys aforesaid, as the said Rachael Slider by her attorney aforesaid.

And the said Rachael Slider by her attorney aforesaid defends the force and injury when &c. 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 Richard Roe lessee as aforesaid, above complains against her and of this she puts herself upon the country; and the said Richard Roe lessee as aforesaid in like manner.

And thereupon on motion of the said Rachael Slider aforesaid, by her 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 Allegany County, in form following, to wit:

Allegany County, Sc:

{ Seal }

The State of Maryland to the Sheriff and Surveyor of Allegany County Greeting:

Whereas at a Circuit Court begun and held at the Court House in the City of Cumberland, in and for said county, on the second Monday of April, in the year eighteen hundred and fifty nine, it was so for proceeded in a certain plea of trespass and ejectment in the said Court depending, between a certain Richard Roe lessee of William Morgan plaintiff and a certain Rachael Slider 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 of land called "Vineyard" containing two hundred and seven acres more or less, be carefully surveyed and laid out, according to the ancient metes and bounds thereof, as in the original certificate of survey thereof is expressed,

to the end that the said lands in controversy and the claims and pretences of both parties may more plainly and indifferently appear to the court & 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 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 her place of residence or last place of abode*; and [illegible] proceed to examine [illegible] that by either of the [illegible] the same; and you [illegible] to the said parties [illegible] writ:

[illegible] commanded to return five [illegible] the pretences of the [illegible] the defendant in [illegible] and seal of you the [illegible] said Court to be held [illegible] on the second [illegible] 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 Thomas Perry, Judge of said Court the 11th day of April 1859.

Issued the 30th day of September 1859

H. Kesley Clerk

* And likewise survey and lay out the same lands in dispute as aforesaid, according to the claims and pretensions of the said defendant in the presence of the plaintiff, if he, being summoned think 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;

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 second Monday of October next.

At which said second Monday of October, being the tenth day of the same month, in the year last aforesaid, and the day of the return of the aforegoing warrant of resurvey come again into the Circuit Court here as well the said Richard Roe lessee as aforesaid, by his attorney aforesaid, as the said Rachael Slider, by her 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 plot & certificate thereto annexed.

And thereupon the said Richard Roe lessee as aforesaid, by his attorneys aforesaid prays the Court that the said Rachael Slider may answer the declaration aforesaid of him the