General Court here as well the said Titus White Lessee as aforesaid by his attorney aforesaid, as the said Joseph Douglass by his attorney aforesaid; and the said Joseph Douglass by his attorney aforesaid defends the force and injury — when and so forth 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 Titus White Lessee as aforesaid above complains against him, and of this he puts himself upon the Country and the said Titus White Lessee as aforesaid in like manner; and thereupon on motion of the said Titus White 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 Charles County in form following to wit:

Maryland Ss. Whereas at a General Court held at the City of Annapolis on the second tuesday of May last the Plaintiff and Defendant by their attornies appeared and this cause standing for trial and for that it is absolutely necessary for the better Information of the Court and Jury in the premises That all that Tract or parcel of plantable Land called Chesnut Point lying and being in Charles County containing two hundred acres of Land with the appurtenances be carefully resurveyed and laid out according to the antient metes and bounds thereof as in the original certificate of Survey is expressed and to the end that the said Land in Controversy and the claims and pretensions of both parties may more plainly and indifferently appear to the Court and Jury It is ordered by the said Court that the surveyor of Charles County for the time being or another 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 said County carefully resurvey and lay out as well the said Land in dispute as any other the Lands adjacent thereto which shall be thought necessary by the said Plaintiff or Defendant 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 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 land in dispute as aforesaid according to the claims and pretensions of the Defendant in the presence of the Plaintiff if he being summoned think fit to be present without any interruption of the Plaintiff or if absent notice to be left at his place of residence or last place of abode and the said Sheriff is hereby ordered to give both the said parties thirty (days

days notice before the day of the Execution of this writ and the said Sheriff is 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 therefore drawing the pretences of the Plaintiff in black lines and the pretences of the Defendant in prickid lines as well under the hands and seals of the said Sheriff as the surveyor to the Judges of our General Court to be held at the City of Annapolis on the second Tuesday of October next that the said Judges and Jury being rightly informed of the truth of the premises may further proceed therein as to Justice appertains. Witness the Honorable Robert Hanson Harrison Esquire chief Judge of our said Court the 26th day of June Anno Domini 1789. John Irvine Clk

Issued the 3d day of Sept 1789. (Wm Cooke for Pltff) T. Jennings for Defendant)

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

At which said second Tuesday of May being the twelfth day of the same month in the year of our Lord one Thousand seven hundred and Eighty nine and the day of the return of the aforegoing warrant of Resurvey come again into the General Court here as well the said Titus White Lessee as aforesaid by his attorney aforesaid as the said Joseph Douglass by his 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 that they were directed by said Titus White Lessee of the Plaintiff not to execute the said warrant of Resurvey; in consequence whereof they did not proceed to execute the same; Thereupon further process of and upon the premises aforesaid between the parties aforesaid, by order of the Court here thereon is further continued until the second Tuesday of October next.

At which said second Tuesday of October being the Thirteenth day of the same month in the year of our Lord one Thousand seven hundred and Eighty nine comes again into the General Court here as well the said Titus White Lessee as aforesaid by his attorney aforesaid, as the said Joseph Douglass by Philip Barton Key and Thomas Duhurst Merrick his attornies; whereupon this cause standing ready for trial the parties aforesaid by their attornies aforesaid, move the Court here that the whole matter in the premises between them in variance may be referred according to the act of Assembly in such case made and provided, to persons indifferent between the said parties, to be appointed by the Court here; with the consent of the said parties, to adjust the same; (whereupon by consent of the said parties by their attornies aforesaid, it is rule by the Court here that the whole matter in variance between the said parties be referred to Philip Barton Key and William Pt Dorsey Esquire and in case they disagree they are (empowered