think fit to be present and without any interruption of him the said Defendant or if absent notice to be left at his last place of residence or 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 think fit to be present without any interruption of him the said Plaintiff or if absent notice to be left at his last place of residence or place of abode and the said sheriff is hereby imponered 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 said Sheriff is hereby ordered to give both the said parties thirty days notice before the day of the Execution of this writ and the same Surveyor is hereby commanded to return five fair certificates and platts therefor drawing the pretences of the Plaintiff in black lines and the pretences of the Defendant in pricked lines as well under the hands and seal of the said Sheriff as the surveyor to our Judges of our General Court to be held at the City of Annapolis on the second Tuesday of may next that the said Judges and Jury being rightly informed of the truth of the premises may further proceed therein as to Justice appertains and soforth. Witness The Honorable Robert Hanson Harrison Esquire chief Judge of our said Court the 17th day of november anno Domini 1789. Issued the 30th day of November 1789.

John Gwinn clk

R. Potts atty for Pltff

G. Duvall for Deft

And thereupon the same day is given to the parties aforesaid then and there and soforth.

At which said second Tuesday of may being the Eleventh day of the said month in the year of our Lord one Thousand seven hundred and ninety, and the day of the return of the aforegoing warrant of resurvey, comes again into the General Court here as well the said Peter Justice Lefew as aforesaid by his attorney aforesaid as the said Jacob Shore 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, makes return thereof to the Court here, with five plots and certificates thereto annexed and the following Depositions taken before them to wit:

Peter Eakle aged thirty nine years or thereabout after being duly summoned and sworn on the Holy Evangels of Almighty God deposeth and sayeth that the meadow we are now in was mowed by the Defendant two years ago last fall and this deponent further

further sayeth that he never heard the Plaintiff forwarn the Defendant from mowing said Meadow and further this Deponent sayeth not.

Peter his mark Eakle

Martin Lesler aged twenty one years or thereabouts after being duly summoned and Sworn deposeth and sayeth, that he saw Jonathan Shore the son of the Defendant mowing the medow we are now in some time in the summer seventeen hundred and Eighty Eight and this deponent further sayeth that he never heard the Plaintiff forwarn the defendant from mowing said medow & further this deponent sayeth not.

Martin Lesler

John Murphy aged twenty four years or thereabouts after being duly summoned Solemnly affirms and declares that he saw the widow Fox and some of the defendants children makeing Hay in the meadow we are now in and this Deponent further sayeth that he never heard the Plaintiff forwarn the Defendant from mowing said Meadow & further this Deponent sayeth not.

John Murphy

Martin Lesler aged twenty one years or thereabout after being duly Summoned and Sworn deposeth and sayeth that he this Deponent was employed by the Defendant to reap in the field we are now in about three years ago and this deponent further sayeth that he never heard the Plaintiff forwarn the Defendant from cultivating the said field, and further this deponent sayeth not.

Martin Lesler

Morris Baker aged sixty two years or thereabout after being duly summoned and Sworn deposeth and sayeth that the field we are now in was occupied by the Defendants family some time last summer and this deponent further saith that he never heard the Plaintiff forwarn the defendant from cultivating the said field, and further this Deponent sayeth not.

Morris his mark MB Baker

Jacob Luck aged between twenty and twenty one years after being duly summoned and sworn deposeth and sayeth that about three years ago last Harvest, he this Deponent reap in the field we are now in, but doth not know who employed him but his provisions was found him by the Defendant during the time, of his reaping in said field and this Deponent further sayeth that at the time of his reaping in said field, the Plaintiff was present and that the Plaintiff did not claim any part of the Grain then reap nor did not forwarn the remainding hands from reaping and further this Deponent sayeth not.

Jacob Luck

Jonathan Shore being duly summoned by order of the Plaintiff and refuses to affirm, or to be qualified.

(Peter