hundred hickories of the value of twenty pounds current money one hundred
Poplars of the value of forty pounds current money, and five hundred oaks of the
value of fifty pounds current money felled cut down and carried away and other
harms to him the said Thomas then and there did to the great damage of him
the said Thomas Smith and against the peace government and dignity of the
State whereby he saith he is the worse and hath damage to the value of
one hundred and fifty pounds current money and therefore he brings suit &c. &c. &c.
Richard Potts for the Plaintiff. Pledges and &c. John Doe and Richard Roe
Whereupon the said Jeremiah Foster by his attorney aforesaid, as before defends the
force and injury when and &c. and saith that he is not guilty of the Trespass
aforesaid, as the said Thomas Smith above against him hath complained, and of
this he puts himself upon the bountry &c. and the said Thomas Smith in likemanner &c.
and thereupon, on motion of the said Thomas Smith by his attorney aforesaid it is
ordered by the bourt here that the writ of the State of Maryland of warrant of
resurvey issue in this cause; and the same accordingly is issued directed to the
Sheriff and Surveyor of Washington bounty, in form following towit The State of
Maryland Whereas at a General bourt held at the bity of Annapolis on the
Second Tuesday of may last, the Plaintiff and Defendant by their attornies
appeared, and this cause standing for trial, and that it is absolutely necessary
for the better information of the bourt and Jury in the truth of the pocemises
that all that tract or parcel of Land lying and being in Washington bounty
called True Establishment containing four hundred and twenty one acres of land
be carefully resurveyed and laid out according to the ancient 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 pretentions of both parties
may more plainly and indifferently appear to the bourt and Jury; It is ordered
by the said bourt that the Surveyor of Washington bounty for the time being
or any other discreet and Skilfull person in his absence to be nominated and
appointed by the said Plaintiff and Defendant in the presence of the Sheriff of the
said said bounty carefully resurvey and lay out as well the said land in
dispute as any other lands adjacent thereto which shall be thought necessary
by the said Plaintiff or Defendant, to be laid out for the better illustration
of the matter according to the claims and pretentions of the Plaintiff in
the presence of the Defendant if he being summoned thinks fit to be present
and without any interruption of 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 pretentions of the Defendant in the presence of the Plaintiff if
he being summoned thinks fit to be present without any interruption of the
Plaintiff or if absent notice to be left at his place of residence or at his last
(place

place of abode, 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 said Sheriff is hereby impowered
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 plots 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 seals of the said Sheriff as the
Surveyor to the Judges of our General bourt to be held at the bity of Annapolis the Second
Tuesday of October next, that the said Judges and Jury being rightly informed of the
truth of the premises may proceed therein as to Justice appertains. Witness the Honorable
Robert Hanson Harrison Esquire Chief Judge of our said bourt the 26th day of
June Anno Dom. 1789.
Issued the 10th day of July 1789. John Ignin blk
Therefor let a Jury thereupon appear before the bourt here on the said Second Tuesday
of October next by whom &c. and who neither &c. to recognize &c. because as well
&c. the same day is given to the parties aforesaid, then and there &c.
At which said Second Tuesday of October, being the thirteenth day of the said
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 bourt here, as well the said Thomas Smith by his attorney aforesaid, as the
said Jeremiah Foster by his attorney aforesaid, and the Sheriff and Surveyor of
Washington bounty aforesaid, to whom the said warrant of resurvey was in
form aforesaid directed, make return thereof to the bourt here, with five
and certificates thereto annexed, with the Deposition of John Smith taken before
them, which said Deposition is in form following towit.
John Smith aged twenty five years or thereabouts after being duly Sworn on the
Holy Evangelist of Almighty God, Deposeth and Sayeth that the Locust Tree he now
sheweth unto the Sheriff and Surveyor is and always was known to be the end of the
twenty third Line of a Tract of Land called True Establishment and further this
deponant Sayeth not. Jn.o Smith
Whereupon the parties aforesaid by their attornies aforesaid pray leave of the bourt
here to amend the said plots and certificates returned to the bourt here under the
warrant of resurvey aforesaid in this cause and to add thereto if necessary by the
Second Tuesday of may next upon the payment of the costs of the Term by the said
Jeremiah Foster in the plea aforesaid, and to them it is granted; and the same
are delivered to the Sheriff and Surveyor of Washington bounty for that purpose.
Therefore it is considered by the bourt here that the said Thomas Smith recover
against the said Jeremiah Foster the quantity of
pounds of Tobacco by the bourt here adjudged unto the said Thomas Smith for his
costs and charges which he hath sustained, laid out and expended, in and about
his Suit in this behalf since the last continuance of the plea aforesaid, Thereupon
(further