proceeded in a certain plea of Trespass in the said Court depending between a certain John Ashton, plaintiff, and a certain Marcen Duvall Junior Defendant, that it was considered absolutely necessary, for the better information of the said Court and the Jury, in the truth of the premises, that all that Close called Carrollsburgh situate in Prince George's County with the appurtenances, be carefully resurveyed 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 and 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 the 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 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, 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: 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 thirty 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 General Court to be held at the City of Annapolis on the second tuesday of October next, that the said Court and Jury, being rightly informed of the truth of the premises, may further proceed therein as to Justice appertains, and so forth. Witness the honorable Jeremiah Townley Chase Esquire chief Judge of the said Court, the thirteenth day of May in the year of our Lord one thousand eight hundred. — Issued the 18th day of July 1800. — Jas. Brown Clk.

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

At which said second tuesday of October being the fourteenth day of the said month in the year of our Lord One thousand eight hundred, and the day of the return of the last aforegoing warrant of Resurvey, come again into the General Court here, as well the said John Ashton by his attornies aforesaid, as the said Marcen Duvall Junior by his attornies aforesaid: and the sheriff and Surveyor of Prince Georges County aforesaid, to whom the said warrant of Resurvey was in form aforesaid directed, make return thereof to the Court here, with five plots and certificates thereto annexed; whereupon, the parties aforesaid, by their attornies aforesaid, pray leave of the Court here to amend the said plots and certificates under the warrant of Resurvey aforesaid returned to the Court here in this cause, and to add thereto, if necessary, by the second tuesday of May next, and to them it is granted; and the same are delivered to the sheriff and Surveyor of Prince Georges County aforesaid, for that purpose; Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by order of the Court here, is continued until the said second tuesday of May next. —

At which said second tuesday of May being the twelfth day of the said month in the year of our Lord One thousand eight hundred and one, and the day of the return of the said warrant of Resurvey, plots and Certificates, come again into the General Court here, as well the said John Ashton by his attornies aforesaid, as the said Marcen Duvall Junior by his attornies aforesaid; And the sheriff and Surveyor of Prince Georges County aforesaid, to whom the said Warrant of Resurvey, plots and certificates were delivered, for the purpose of amending the said plots and certificates, or adding thereto if necessary, return the same to the Court here as amended, with Sixteen Depositions, which are in form following to wit. — February 24th 1801 — Jadock Duvall aged about 37. years being first sworn on the Holy Evangels of Almighty God deposeth and saith to the best of his knowledge some time in the month of June One thousand seven hundred and ninety seven he was riding down this fence bearing about 20. Degrees East from the beginning of the plaine with John Ashton and said Ashton said to this deponent your father says he has four or five Witnesses to prove where the fence stood, and the said Ashton saith I acknowledge the fence stood where it stands now and further said the sand washed down on it so bad and rotted it that your Grandmothers creatures was breaking in on me and mine on her and I agreed with your Father if he would let me move it upon the Hill I would assist in keeping it up and that he would move it at any time when he was requested and that he was perfectly satisfied for the fence to stand where it now stands and further said unless he could have a pass-way through the Rich