At which said second Tuesday of October being the tenth day of the said Month in the year of our Lord one thousand seven hundred and ninety seven, till which said day the said Charles Alexander Warfield, Arnold Hardy and Benny Ridgely Warfield had leave to ascertain their defence and answer to the declaration aforesaid of the said Corporal Thim Lessee as aforesaid in the plea aforesaid, Come again into the general Court here as well the said Corporal Thim Lessee as aforesaid by his attornies aforesaid as the said Charles Alexander Warfield, Arnold Hardy and Benny Ridgely Warfield by their attornies aforesaid, and thereupon on motion of the said Charles Alexander Warfield Arnold Hardy and Benny Ridgely Warfield by their attornies aforesaid leave is given by the Court here (with the said consent of the said Corporal Thim lessee as aforesaid by his attornies aforesaid) to the said Charles Alexander Warfield, Arnold Hardy and Benny Ridgely Warfield and each of them to sever and separate their respective defences in the plea aforesaid and that each and every of them have to appear and defend separately of and upon the premises aforesaid, and the said Charles Alexander Warfield one of the defendants aforesaid by his attornies aforesaid defends the force and injury when and where &c and says that he 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 Corporal Thim lessee as aforesaid above complains against him and of this he puts himself upon the Country and the said Corporal Thim lessee as aforesaid in like manner, and thereupon on the motion of the said Corporal Thim lessee as aforesaid by his attornies 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 Frederick County in form following, to wit:

The State of Maryland to wit. Whereas at a General Court begun and held at the City of Annapolis on the second Tuesday of October Anno Dominii seventeen hundred and ninety seven, 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 truth of the premises, that all that tract or parcel of land called Park of Abode, situate lying and being in Frederick County containing two thousand two hundred and eighty six acres of land be carefully resurveyed and laid out according to the ancient metes and bounds thereof as in the original Certificate of survey thereof is expressed, and to the end that the said land in controversy and the claims and pretences 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 Frederick County for the time being or any other discreet and skilful person in his absence to be nominated and appointed by the said plaintiff and defendant, and 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 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 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 him the said plaintiff and if absent notice to be left at his place of residence or last place of abode 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 said Sheriff is hereby ordered to give both the