

[166] And Whereupon the said Henry by Robert Gouldsbrough his Attorney complaineth that whereas the said Richard Cooper the tenth day of Aprill in the Year of our Lord One thousand Seaven hundred and eight in Talbot County aforesaid by force and Arms Viz^t by swords and staves the Close of him the said Henry calld Marshy point he did break and the grass and herbs there growing being the grass and herbs of him the said Henry with the feet of his Servants he did tread down and destroy and his fence Railes of the Vallue of thirty Shillings there being the said Richard did carry away and other harms to him he did do to the great loss and damage of him the said Henry against the peace whereupon he saith that he hath lost and damage hath susteyned to the Vallue of Twenty pounds sterling and thereupon he brings this Suite etc.

Pledgs etc: Jn^o Doe: Roe.

And the said Richard Cooper by Wornell Hunt his Attorney comes and defends the force and injury when etc. and prays leave to Imparle here to untill next Court and he hath it the same day is given to the plaintiff also And for that it seems to the Court here for the better Information of the premises that that tract or parcel of land aforesaid calld Marshy point whereon the trespass is Supposed to be comitted by the said Richard Cooper be carefully [re]surveyd and laid out According to the Antient meets and bounds thereof (as in the originall Certificate of Survey thereof is Expressed) and to the end that the said trespass may more plainly and indifferently appear appear [sic] to the Court and Jury It is Orderd by the Court here that the Queens Surveyor of Talbot County for the time being or any other discreet and Skillfull 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 as any other lands Adjacent there to which shalbe thought necessary by the said plaintiff and defendant to be layd out for the better illustration of the matter according to the claims and pretences of the plaintiff in the presence of the Defendant if he being Summond think fitt to be present and without any Interruption of the said defendant and likewise Survey and lay out the same land as aforesaid according to the claims and pretentions of the Defendant in presence of the plaintiff if he being Sumond think fitt to be present without any interruption of the plaintiff and the said Sheriff is hereby empowred to Examine upon Oath any Witness or Witnesses that by either of the said party's shalbe produced in relation to the same and [167] same Surveyor is hereby Comanded to returne two fair platts and certificates thereof drawing the pretences of the plaintiff in black lines and the pretences of the Defendant in prickt lines as well under the hands and Seals of the said Sheriff as the Surveyor to her Majesty's Justices here at the Court to be held for this our Province on the first tuesday in September then next that her Majesties Justices and Jury being righty informed of the truth of the premises may further proceed therein as to Justice appertaineth etc.