destroyed the said posts and rails of said plaintiff and that the Defendant took and entered said close and such of said posts of said plaintiff in other and different parts of the said close and of the said Way in defendants said pleas mentioned

And also that the said replications are in other respects uncertain informal and insufficient, wherefore forasmuch of a sufficient replication in this behalf said defendant prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

R. T. Prent
T. P. Poe for Defendant,

And the said Walter T. Allender by his attorneys aforesaid saith that the said replication to the third and fifth pleas and the matters therein contained in manner and form as the same above stated and set forth, are sufficient in law for him the said Walter T. Allender to have and maintain his aforesaid action thereof against him the said William T. Day and the said Walter T. Allender is ready to verify and prove the same as the Court here shall direct and awarde. Wherefore inasmuch as the said William T. Day hath not answered the said replications nor hitherto in any manner denied the same the said Walter T. Allender prays judgment,

And the said William T. Day by his attorneys aforesaid files in Court here the following to Wit.

Allender vs Day | The Deft prays leave of the Court to withdraw so much of his demurrer as relates to the replications filed to the second and 5th pleas and to plead to said replications.

R. T. Prent
T. P. Poe for Deft.

Upon which Motion the following endorsement to Wit Leave granted
John H. Price.

Therefore the Demurrer to the replications to the 2d and 5th pleas are accordingly withdrawn, and the said William T. Day by his attorneys aforesaid files in Court here the following rejoinder to the replications to the defendants 2d, 3d 4th and 5th pleas and, plea to the new assignment as to the Defendants 2d 3d and 5th pleas in form following to Wit.

Allender vs Day. | In the Circuit Court for Baltimore County

And the said defendant as to the said replications of the plaintiff to the said second third fourth and fifth pleas of the said defendant and which the said plaintiff hath prayed may be enquired of by the Country, doth the like,

R. T. Prent
T. P. Poe for Deft.

And the said defendant as to the said several supposed trespasses above by the said plaintiff newly assigned as to the said second third and fifth pleas of the said defendant, saith that he is not guilty thereof or of any part thereof in manner and form as the said plaintiff hath above thereof complained

against him and of this he puts himself upon the Country.

R. T. Prent
T. P. Poe for Defendant.

And the said Walter T. Allender by his attorneys aforesaid files in Court here the following replication to the plea to new assignment to Wit,

Allender vs Day | In the Circuit Court for Baltimore County

And the said plaintiff as to the plea of the said defendant by him lastly above pleaded to the said several trespasses by the said plaintiff newly assigned and whereof he hath put himself upon the Country, doth the like.

R. T. Gillings
A. W. Machen.

Whereupon all and singular the premises being seen and heard by the Court here fully understood and maturely deliberated being thereupon had it appears to the Court here that the said replication to the third plea of the said William T. Day above pleaded, and the matters therein contained are sufficient in law for the said Walter T. Allender to have & maintain his aforesaid action thereof against the said William T. Day in manner and form as the said Walter T. Allender hath above alleged.

And thereupon the said William T. Day by his attorneys aforesaid files in Court here the following Order to Wit.

Wm. T. Allender vs Wm. T. Day | In the Circuit Court of Baltimore

Wm. Carman, Enter the special demurrer filed by the Defendant "Withdrawn"

R. T. Prent,
T. P. Poe for Deft.

June 3d 1859

And the Demurrer to the replication to 3d plea is accordingly withdrawn.

Whereupon for trying the issues above joined, between the parties aforesaid it is Ordered by the Court here that twenty persons from the pannel of petit jurors returned to the Court here by the Sheriff of Baltimore County aforesaid be drawn by ballot, according to the directions of the act of Assembly in such case made and provided, and thereupon the twenty persons being so drawn by ballot and written upon two lists, one of which so said lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said parties having stricken out four persons from said lists thereupon the remaining twelve persons called come, that is to say Abraham Hellen Edward P. Fetter James S. Joan Charles S. Kelley Denna Abbott, Abraham Painter Ines Denis Daniel R. S. Bonk, Frederick Stille Junior Thomas Rice, Thomas Purdue and Henry C. Nutcheis

Who being impannelled sworn and affirmed to say the truth in the premises upon their oath and affirmation, do say that the said William T. Day is guilty of the premises in manner and form as the said Walter T. Allender hath above complained against him, and they assess the damages of him the said Walter T. Allender by occasion of the premises to the sum of one cent