Upon which Copy of petition and Order is the following endorsement to Wit
Served August 22nd 1861 Jas T Reddie Shff.

Afterwards to Wit on the first day of October in the year of our Lord 1861 came Ennalles Hubbard by D W Bryant Esqre his attorney and files in Court here an answer to the petition aforesaid, which is in the words and of the tenor following to Wit.

To the Honorable R W Carmichael Judge of the Circuit Court for Caroline County. Ennalles Hubbard in his own behalf begs leave to answer unto the petition of Joseph Molroy filed in this Court and shew cause in accordance with the terms of the Order of said Court passed in reference to said petition obtaining a Writ of habeas Facias possessionem "shewing not issue as prayed by said petition. Your respondent thinks the Writ prayed for in petition above mentioned should not be granted for many reasons. 1st That a portion of the Real Estate mentioned in petition of Molroy upon which is located more than one half of the dwelling house, does not, as is alleged in Molroys petition belong to said Molroy, but belongs to one Seighman H Hubbard according to your Respondents understanding of the matters, and further the said Seighman H Hubbard claims the rest of that portion of the Real Estate being the same Real Estate which the said Molroy claims a Writ of habeas Facias possessionem" in petition mentioned does not entitle your respondent not to pay unto another but to them.

2d Your respondent is not in actual possession of the Real estate mentioned in petition aforesaid belonging removed therefrom on the 17 day of January 1861 - but that he has a tenant on a portion of the Real estate mentioned as aforesaid.

3d Your respondent says "he has never legacy written by said Molroy to land the premises mentioned as aforesaid.

D W Bryant Atty for Respondent

Afterwards to Wit on the 1st Monday of October being the 7th day of the same Month) appeared in Court here as well the said Joseph Molroy as the said Ennalles Hubbard by their Attorneys aforesaid.

Whereupon it was Ordered by the Court here that the objections aforesaid filed by the said Ennalles Hubbard be overruled, which said Order by the direction of the Court is entered on the Docket by the Clerk of said Court in the words following to Wit

"Objections Overruled"

Thereupon the said Ennalles Hubbard by his Attorney aforesaid made the Court that the entry last aforesaid of objections overruled be stricken out which motion by the Court here is taken good, and the entry last aforesaid is stricken out.

And the said Ennalles Hubbard by his said attorney then files in Court here a paper containing a general denial of allegations in the petition aforesaid which paper is in the words and of the tenor following to Wit

Joseph Molroy
vs
Ennalles Hubbard

Circuit Court for Caroline County.

Petition of Writ of Habeas Facias possessionem. Ennalles Hubbard by D W Bryant his attorney denies the matters and things contained in petition of said Molroy in the last mentioned cause.

D W Bryant Atty for Respondent.

And the said Ennalles Hubbard by his attorney aforesaid prays leave of the Court here to amend the paper last aforesaid purporting to be a general denial of allegations and immediately thereafter withdrawn said motion for leave to amend by permission of the Court.

Whereupon the said Joseph Molroy by his said Attorney joins issue on the general denial of the said Ennalles Hubbard, the entry of which made by the Clerk by order of the Court upon the Docket of said Court in the following words.

Issue joined by petitioner on the general denial &c.

Thereupon for trying the issues aforesaid above joined between the parties aforesaid it is Ordered by the Court here, that twenty persons from the panel of petit jurors returned to the Court here by the Sheriff of Caroline 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 said lists is delivered to the Counsel for the respective parties, and to Counsel for each of the said parties having stricken out four persons from the said lists thereupon the remaining twelve persons being called come, that is to say John W Temple Geo W Ragler Albert H Davis John W Hegwood James Swann William H Mahan William Gillett, Benjamin F Fleming Luther Diggins, William Mabury of S. Stephen Coalson and Edward Salisbury who are empannelled and sworn to try the truth on the premises.

Whereupon for certain reasons by the Court here appearing the said Edward Salisbury one of the Jurors of the Jury within mentioned from the panel aforesaid is withdrawn by order of the Court here and the rest of the jurors of that Jury are utterly discharged from giving any verdict of and upon the premises within mentioned, and leave is granted by the Court here upon motion to the said Ennalles Hubbard by his attorney aforesaid to amend his objections filed in this cause on payment of costs.

Whereupon the said Ennalles Hubbard by his said Attorney files in Court here his amended objections which paper is in the words and of the tenor following to Wit.

Joseph Molroy
vs
Ennalles Hubbard

Circuit Court for Caroline County.

Petition of Writ of Habeas Facias possessionem

Ennalles Hubbard by D W Bryant and Thomas H Kemp his attorneys asks leave to amend the objections in the cause in the following manner that is to say. The defendants admit so much of the plaintiffs petition as states that the farm called the Home farm was sold by Thomas F Farey as trustee of Ennalles Hubbard under the insolvent laws of Maryland and that Joseph Molroy became the purchaser thereof. But the defendant avers in said petition for Writ of habeas fa is including lands which constitutes no part of said Home farm, so as aforesaid purchased by said Molroy but which constitutes part of a tract or parcel of land purchased by Wm L Goldsborough and John F Elliott at a sale of Thomas F Farey as aforesaid called the Love Farm,

D W Bryant
Thos H Kemp
Atty for Deft.