

Further answering said paragraph your respondent says that said alleged alley was no more than a drawing on the plat hereinbefore referred to as said alley is now and always has been impassable as the same is nothing but a series of rocks, holes and hills, and has never been used by complainant or any of the owners of the land adjoining thereon, ^{as an alleyway} and that since the filing of the Bill of Complaint in this cause, the complainant has, through his servants and agents, filled up a part of said alley to the end of its building so as to permit a passageway from South Street to the end of its building.

FIFTH: Answering the fifth paragraph your respondent denies that they have or are erecting and maintaining in the bed of said twenty-foot alley any obstruction but avers that before respondent commenced erecting a building on his lot, he had the lines laid out by the City Engineer which lines did not encroach upon said alley and your respondent proceeded to erect his building on the lines indicated by the City Engineer, which lines were wholly on the lands of your respondent and not on said alleyway and said building was erected and completed before the filing of the Bill of Complaint in this cause.

SIXTH: Answering the sixth paragraph your respondent says that the deed of complainant does not give them the right to use said twenty-foot alley nor has complainant used the same but that said alley for the first forty feet, being the only level portion of said alley, has been used continuously and adversely by your respondent and his predecessors in title for more than twenty years for the purpose of storing and lodging old machinery, machines and parts of machines which prevented said alley from being opened or from being used by anyone except your respondent.

Further answering said paragraph your respondent says that said alleged alley has never been used as a highway because of its impassable condition.

Further answering said paragraph your respondent says that the building that he has erected ^{abutting} on said alleyway is in a direct line with all other buildings erected on the West side of Carroll