

was entitled to a way from said land over the land of the plaintiff, to a public highway, for himself and his servants with horses and wagons, to go and return at all times, at his and their free will, for the more convenient occupation of the said land of the defendant; and that the alleged trespass was a use by the defendant of said way.

FORMS OF REPLICATIONS.

63d. The plaintiff as to the defendant's plea says (here state the matter of reply.)

64th. The plaintiff as to the second plea says (state the answer to the plea as in the following form.)

65th. That the alleged release is not the plaintiff's deed.

66th. That the alleged release was procured by the fraud of the defendant.

67th. That the alleged set-off did not accrue within _____ years (state the period of limitation applicable to the case) before the plea pleaded.

68th. That the plaintiff's claim is upon an account concerning trade between himself and defendant, as merchant and merchant, not residing in this State.

69th. That the plaintiff was possessed of land called "Midsummer," in _____ county, whereon the defendant was trespassing and doing damage, whereupon the plaintiff requested the defendant to leave the said land, which the defendant refused to do; and thereupon the plaintiff gently laid his hands on the defendant in order to remove him, doing no more than was necessary for that purpose, which is the alleged first assault by the plaintiff.

70th. That the defendant was not entitled to the said way over the plaintiff's land, as the defendant has alleged.

71st. That the alleged trespass was not a use by the defendant of the said way.