

56. That he applied by petition as an insolvent debtor to the circuit court for —— county, (or court of common pleas for the city of Baltimore,) on the —— day of ——, and the proceedings under the petition are still pending; and that the alleged claim accrued before the filing of his petition.

57. A defendant may plead, as in the above form, that he has applied, by petition as an insolvent debtor, to the proper court, and that the proceedings under his petition are still pending, and that the alleged claim accrued before the filing of his petition. And upon proof of the facts so pleaded, judgment shall only be entered subject to the result of the proceedings under the petition.

*Forms of Pleas in Actions for Wrongs.*

58. That he did not commit the wrong alleged.

59. That he did what is complained of by the defendant's leave.

Hays v Richardson, 1 G & J 366 Addison v Hack, 2 Gill, 229 Carter v Harlan, 6 Md. 26 Hamilton v Windolf, 36 Md 301 B & O R. R. Co. v. Pot Coal Co., 51 Md 343. Vogler v. Geiss, 51 Md. 411.

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

61. That the plaintiff first assaulted him; and he committed the alleged assault in his own defence.

62. That the defendant, at the time of the alleged trespass, was possessed of land called "Idlewild," in —— county, and 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.

Wright v. Freeman, 5 H & J. 467. Hays v. Richardson, 1 G. & J. 366 Day v. Allender, 22 Md. 525. Browne v. Trustees, 37 Md. 119. Vogler v. Geiss, 51 Md. 410. Cox v. Forrest, 60 Md. 74.