

35. That defendant falsely and maliciously printed and published of the plaintiff in a newspaper called "The Examiner," the words following, that is to say: "he forswore himself."

Hagan v. Hendry, 18 Md. 177. Snyder v. Fulton, 34 Md. 128. Negley v. Farron, 60 Md. 158. Lewis v. Daily News, 81 Md. 466.

36. That the defendant is a corporation, owning a railroad between B. and C.; that the plaintiff was a passenger on said railroad, and by reason of the insufficiency of an axle of the car in which he was riding the plaintiff was hurt; and the defendant did not use due care in reference to said axle, but the plaintiff did use due care.

Worthington's Case, 21 Md. 283. Wilkinson's Case, 30 Md. 232. Andrew's Case, 39 Md. 329. Dietrick's Case, 58 Md. 347. Hauer's Case, 60 Md. 462. Mangan's Case, 61 Md. 53. Mahone's Case, 63 Md. 144. Leapley's Case, 65 Md. 571. Kane's Case, 69 Md. 23. Coulbourn's Case, 69 Md. 368. Cason's Case, 72 Md. 382. Anderson's Case, 72 Md. 526. Smith's Case, 74 Md. 212. Herold's Case, 74 Md. 511. Hewes' Case, 76 Md. 159. State use of Dodson v. Balto. & Lehigh R. R., 77 Md. 78. Ringgold's Case, 78 Md. 409. Swann's Case, 81 Md. 409. Jeter v. Schwind Quarry Co., 97 Md. 700.

[This form may be varied so as to adapt it to many cases, by merely changing the allegation as to the cause of the accident.]

37. That the defendant is an incorporated city, and is bound to keep its streets in repair; that one of its streets, called \_\_\_\_\_ street, was negligently suffered by the defendant to be out of repair, whereby the plaintiff in traveling on said street and using due care was hurt.

Baltimore v. Pennington, 15 Md. 12. Baltimore v. O'Donnell, 53 Md. 110. Sinclair v. Baltimore, 59 Md. 592. Kennedy v. Cumberland, 65 Md. 514.

38. That the defendant hired from the plaintiff a horse to ride from Frederick to Hagerstown, and thence back to Frederick, in a proper manner; and the defendant rode said horse so immoderately that he became lame and injured in value.

#### *Commencements of Pleas.*

39. The defendant, by S. T., his attorney, or in person, says (here state the substance of the plea.)

40. And for a second plea the defendant says (here state the second plea).