

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.

*Forms of Replications.*

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

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

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

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

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

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