

COMMENCEMENT OF PLEA.

31. The Defendant by his Attorney (*or in person*); says (*here state the substance of the plea.*)

32. And for a second plea the Defendant says (*here state the second Plea.*)

Pleas in Actions on Contracts.

33. That he never was indebted as alleged. (N. B.—*This plea is applicable to other declarations like those numbered 1 to 11.*)

34. That he did not promise as alleged. (*This plea is applicable to other declarations on simple contracts not on bills or notes, such as those numbered 16 to 19. It would be unobjectionable to use "did not warrant," "did not agree," or any other appropriate denial.*)

35. That the alleged deed is not his deed.

36. That the alleged cause of action did not accrue within years (*state the period of limitation applicable to the case*) before this suit.

37. That before action he satisfied and discharged the Plaintiff's claim by payment.

38. That the Plaintiff, at the commencement of this suit, was, and still is, indebted to the Defendant in an amount equal to (*or greater than*) the Plaintiff's claim for (*state the cause of set off as in a declaration, see form ante,*) which amount the Defendant is willing to set off against the Plaintiff's claim, (*or and the Defendant claims to recover a balance from the Plaintiff.*)

39. That after the claim accrued, and before this suit, the Plaintiff, by deed, released the Defendant therefrom.

PLEAS IN ACTIONS FOR WRONGS INDEPENDENT OF CONTRACT.

40. That he is not guilty.

41. That he did what is complained of by the Plaintiff's leave.

42. That the Plaintiff first assaulted the Defendant, who thereupon necessarily committed the alleged assault in his own defence.

43. That the Defendant, at the time of the alleged trespass, was possessed of land, the occupiers whereof, for twenty years before this suit, enjoyed, as of right and without interruption, a way on foot and with cattle from a public highway over the said land of the Plaintiff to the said land of the Defendant, and from the said land of the Defendant over the said land of the Plaintiff to the said public highway, at all times of the year, for the more convenient occupation of the said land of the Defendant, and that the alleged trespass was the use by the Defendant of the said way.

REPLICATIONS.

44. The Plaintiff takes issue upon the Defendant's first, second, &c. pleas.