

The defendants could not be legally notified to answer to the action, as ruled at the trial term. *Jones v. Smith*, 3 N. H. 108; *Kendrick v. Kimball*, 33 N. H. 484; *Nelson v. Swett*, 4 N. H. 256; *Arnold v. Tourtellot*, 13 Pick. 172.

*Action dismissed.*

STANLEY, J., did not sit.

HOLT & a. v. DOWNS & a.

When a writ, signed and issued by the clerk of one county, is made returnable and entered in another county, the change of the name of the county in the margin, from the former to the latter, at the time the declaration is inserted, is not a cause for quashing the writ.

MOTION, to quash a writ signed and issued by the clerk of Merrimack, and made returnable and entered in Hillsborough. The ground of the motion was, that when the blank was filled, "Merrimack" in the margin was erased, and "Hillsborough" inserted.

*E. M. Smith*, for the defendants.

*Albin*, for the plaintiffs.

DOE, C. J. If the alteration is a defect, it is one of form only. *Reynolds v. Damrell*, 19 N. H. 394; *Berry v. Osborn*, 28 N. H. 279.

*Motion denied.*

BINGHAM, J., did not sit.

KENNISTON v. HANNAFORD.

DAVIS v. HANNAFORD.

Upon a plea of *nul disseisin* to a writ of entry, the tenant cannot set up an easement in the demanded premises; but he will not be estopped by such plea, and judgment thereon, from asserting his rights whenever he shall be disturbed in their enjoyment.

WRITS OF ENTRY. Plea, *nul disseisin*. A referee, to whom the