

CHAPTER 2ND.

GENERAL RULES OF PLEADING APPLICABLE TO ALL CASES.

FUNDAMENTAL RULE.

Pleadings.

34. The pleadings shall be so conducted, as to evolve upon the record by the effect of the allegations themselves, the questions of law and of fact disputed between the parties, and present them as the subject matter agreed upon for decision.

TITLE FIRST.

RULES WHICH BRING THE PARTIES TO AN ISSUE.

GENERAL RULE.

Cause of action stated in a declaration.

35. The plaintiff shall first state his cause of action in a declaration. After the declaration, the parties shall, at each stage, demur, or plead by way of traverse, or by way of confession and avoidance. And in case a party does neither, but confesses the right of the adverse party or says nothing, the court shall give judgment for the adverse party.

ARTICLE 1ST.

OF DEMURRER.

May object by demurrer.

36. Either party may object by demurrer to the pleading of the opposite party, on the ground that such pleading does not set forth sufficient ground of action, defence, or reply, as the case may be. But no pleading shall be deemed insufficient for any defect which could heretofore only be objected to by special demurrer, nor for the violation of any rule hereinafter prescribed which relates only to form, unless specially provided for.

Demurrer shall express.

37. Every demurrer shall particularly express the causes of the same, not in general terms, but in a specific statement of some point of law showing in what respect the pleading is insufficient in substance. And the form of a demurrer shall be as follows, or to the like effect:

"The defendant (or plaintiff) by his attorney (or

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