

plaintiff shall not deny it generally, but shall so plead as to deny any cause of action or defence in the case.

83. Whenever the traverse tendered by a plaintiff to the defendant's plea is such as will enable the plaintiff to recover, without proving his right, it shall upon motion be amended by the court. Plea upon motion shall be amended by the court.

84. Whenever a plea does not answer the whole declaration, and the plaintiff demurs to it, without entering judgment for that part of his declaration, which is not answered by the plea, the action shall not thereby be discontinued, but the demurrer shall apply to the plea, in the same manner, as if judgment had been entered for the part of the declaration not answered. Action not to be discontinued.

85. It shall not be allowable, both to plead and demur to the same matter: but if the demurrer be overruled, then the party shall be allowed to withdraw the demurrer and to plead. Not allowable.

86. All questions of law, unless raised by demurrer, shall fall under the decision of the jury in the issue in fact, subject to the direction of the Court, upon a prayer for that purpose. Subject to the direction of the court.

87. When a party pleads, it must be either by way of traverse, or of confession and avoidance; and if the pleading amounts to neither of these modes of answer, it shall, upon motion, be set aside. Upon motion set aside.

88. Whenever in pleading, there shall be two affirmatives which do not impliedly negative each other, the next pleading to be pleaded shall deny the last affirmative; and the other shall go for nothing. Two affirmatives.

89. The plaintiff in any action may plead, in answer to the plea or any subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action: and the defendant in any action may plead, in answer to the declaration, or other subsequent pleading of the plaintiff, as many several matters as he shall think necessary for his defence; provided that the party so pleading or his attorney, makes affidavit, if required by the Court, to the effect, that he is advised and believes that he has just ground to traverse the several matters proposed to be traversed by him, and that the several matters sought to be pleaded as aforesaid, by way of confession and avoidance, are respectively true in substance and in fact. And the costs of any issue, either of fact or law, shall follow the finding or judgment upon such issue, and be adjudged to the successful party, May plead as many several matters as is deemed necessary to sustain action.