

whatever may be the result of the other issue or issues.

Not necessary to use any allegation.

90. In a plea or subsequent pleading it shall not be necessary to use any allegation of *Actionem non*, or *Actionem ulterius non*, or *Onerari non*, or to the like effect, or any prayer of judgment, nor shall it be necessary in any replication or subsequent pleading, to use any allegation of *Precludi non*, or to the like effect, or any prayer of judgment.

Plea of avowry or cognizance.

91. No formal defence shall be required in a plea, or avowry, or cognizance, and it shall commence as follows, or to the like effect :

“The defendant by _____, his attorney, (or in person, as the case may be) says that (here state first defence;)”

And it shall not be necessary to state in a second or other plea, or avowry, or cognizance, that it is pleaded by leave of the court, or according to the form of the statute, or of the act of assembly, or to that effect; but every such plea, avowry or cognizance shall be written in a separate paragraph, and numbered, and shall commence as follows, or to the like effect :

“And for a second (&c.) plea, the defendant says that (here state the second (&c.) defence;)” or if pleaded to part only, then as follows, or to the like effect :

“And for a second (&c.) plea to (stating to what it is pleaded) the defendant says that,” &c. and no formal conclusion shall be necessary to any plea, avowry, cognizance, or other subsequent pleading.

Defence arising after commencement of action.

92. Any defence arising after the commencement of any action shall be pleaded according to the fact, without any formal commencement or conclusion; and any plea which does not state whether the defence therein set up arose before or after action, shall be deemed to be a plea of matter arising before action.

Defence arising after last pleading.

93. Any defence which may arise after the last pleading, in any case, may be pleaded with an allegation that the matter has arisen since the last pleading.

Lawful to pay money into court in certain cases.

94. It shall be lawful for the defendant, or for one or more of several defendants, in all actions (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation, or debauching of the plaintiff's daughter or servant,) to pay into court a sum of mo-