

ney by way of compensation or amends ; and the money shall be paid to the clerk, subject to the order of the court, and the clerk shall give a receipt for it upon the back of the plea, and the said sum shall be paid out to the plaintiff, or his attorney, upon a written authority from the plaintiff, on demand.

95. When money is paid into court, such payment shall be pleaded as near as may be, in the following form : When paid shall plead as in form.

“The defendant by _____, his attorney, (or in person, &c.) (if pleaded to part, say, as to \$_____, parcel of the money claimed,) brings into court the sum of \$_____ and says that the said sum is enough to satisfy the claim of the plaintiff in respect of the matter herein pleaded to.”

96. The plaintiff, after the delivery of a plea of payment of money into court, shall be at liberty to reply to the same, by accepting the sum so paid into court in full satisfaction and discharge of the cause of action, or of the matter in respect of which it has been paid in, and he shall be at liberty in such case to have his costs taxed, and if they be not immediately paid, he shall have judgment for the costs so taxed : or, the plaintiff may reply that the sum paid into court is not enough to satisfy the claim of the plaintiff in respect of the matter to which the plea is pleaded ; and, in the event of an issue thereon being found for the defendant, the defendant shall be entitled to his costs of suit, and the plaintiff to the sum paid into court. Plaintiff may receive money paid in as full satisfaction of cause of action

97. Wherever there may arise a doubt whether the cause of action is of the nature of a breach of contract or of a wrong, the court shall give the defendant the benefit of the doubt ; and in any plea in such case, which shall be good in substance, shall not be objectionable on the ground of its treating the declaration either as framed for a breach of contract or for a wrong. Defendant to have benefit of doubt.

98. Pleas of payment and set-off, and all other pleadings capable of being construed distributively, shall be taken distributively, and if issue is taken thereon, and so much thereof as shall be sufficient answer to part of the causes of action proved, shall be found true by the jury, a verdict shall pass for the defendant in respect of so much of the causes of action as shall be answered, and for the plaintiff in respect of so much of the causes of action as shall not be so answered. Payment and set-off.