

Joinder of issue. 99. Either party may plead, in answer to the plea or subsequent pleading of his adversary, that he joins issue thereon, which joinder of issue may be as follows, or to the like effect :

“The plaintiff joins issue upon the defendant’s 1st, &c., (specifying what or what part) plea ;”

“The defendant joins issue upon the plaintiff’s replication to the 1st, &c., (specifying what) plea ;”

And such form of joinder of issue shall be deemed to be a direct denial of the substance of the plea or other subsequent pleading, and an issue thereon.

Add a joinder of issue. 100. Whenever any particular fact is selected and directly denied, as well as where all the facts are directly denied, by any pleading, the party to plead next shall merely add a joinder of issue.

Where issue on rejoinder is the same in substance as on the plea. 101. Whenever a defendant cannot take any new or other issue in his rejoinder than the matter he has pleaded, without a departure from his plea, or where the issue on the rejoinder would be the same in substance, as on the plea, the plaintiff shall, in his replication, plead that he joins issue on the defendant’s plea, and may add a joinder of issue for the defendant.

Opposite party may have judgment. 102. If a traverse be taken upon an immaterial allegation, that is, on matter which is either irrelevant or insufficient in law, or matter which is only introductory or explanatory, or matter of aggravation, the opposite party may have judgment as for want of a plea.

No more of an allegation shall be traversed than is material. 103. No more of an allegation shall be traversed than is material. The circumstances, which though forming a part of the allegation, are immaterial to the merits of the action, must not be traversed, and if traversed, the traverse shall upon motion be corrected, the party so traversing paying costs.

Not necessary to verify the truth of any plea. 104. It shall not be necessary for the defendant to verify the truth of any plea, except dilatory pleas, by affidavit or affirmation ; nor being heir, executor, or administrator, to obtain leave of the court to put in a plea denying that the alleged deed, in the suit, is not the deed of the ancestor, testator, or intestate.

ARTICLE 7TH.

OF NEW ASSIGNMENT.

Evasive plea. 105. Where the defendant pleads an evasive plea, either as to the whole or a part of the cause of action