

PLEAS AND PLEADING.

See ABATEMENT and AMENDMENTS.

DISCOUNT.

Defendants empowered to plead discount to the claims of plaintiffs—
1785, ch. 46, sec. 7, 202

IMPARLANCE.

Abolished—1829, ch. 166, 984

MISNOMER.

No writ or action to abate, because of the misnomer of any defendant, and the court may allow amendment, by inserting the true name, upon it appearing that the party summoned is the real party intended to be summoned—1829, ch. 199, 973

NON EST FACTUM.

The plea of non est factum shall not be received unless verified by affidavit or affirmation, or unless the defendant, being heir, executor or administrator, obtain leave from the court, on shewing just cause, to put in such plea—1785, ch. 80, sec. 3, 232

Acts under which the party may plead the general issue, and give such acts and the special matter in evidence. 1719, ch. 2; 1720, ch. 24; 1723, ch. 16; 1768, ch. 4, 29; February, 1777, ch. 15; October, 1778, ch. 21; 1791, ch. 8, 24, 27, 49; 1793, ch. 5, 9, 53; 1794, ch. 32; 1796, ch. 18; 1797, ch. 11, 89; 1798, ch. 51, 52, 63; 1799, ch. 33; 1801, ch. 15; 1805, ch. 107; 1803, ch. 54; 1806, ch. 81, 542—1809, ch. 138, sec. 13, 583

No plea, except the general issue, shall be allowed in suits by the state, unless verified by the affidavit of the party or otherwise, and no demurrer shall be allowed to any declaration by the state for want of form—March, 1778, ch. 9, 141

See post, word 'State.'

On the return of an execution on a forfeited recognizance, the party may plead any plea which would have been good on a seire facias—April, 1782, ch. 42, sec. 2, 180

On the appearance of the administrator, &c. to actions that would have abated by the death of either party, the court may suffer pleas by the deceased to be withdrawn, and other pleas to be put in, and may suffer proceedings by either party to be corrected or altered, and direct proceedings so as to bring the merits fairly to trial—1785, ch. 80, sec. 1, 229

To every attachment issued under the supplement to the act directing the manner of suing out attachments, &c. the garnishee may plead on behalf of the defendant such plea or pleas as the said defendant might or could do if he had been taken by the sheriff under the writ of *capias ad respondendum*, and had appeared to the same—1795, ch. 56, sec. 4, 320