

2. Where the Plaintiff has not a legal capacity to sue or to sue with or by others named in the summons or complaint;

3. Where there is another action pending between the same parties or some one or more of them, for the same cause;

4. Where there is a defect of parties Plaintiff or Defendant; 5

5. Where several causes of action or defence different in their nature have been improperly united in the complaint, answer or reply;

6. Where the complaint, answer or reply does not state facts sufficient to constitute a cause of action, defence or 10 reply;

7. Where the pleading contains irrelevant or redundant matter;

8. Where the allegations of a pleading are so indefinite or uncertain that the precise nature of the charge or defence is 15 not apparent;

9. Where a sham answer and defence or reply is pleaded.

Court to make order and decide as to Costs. XXXIX. The Court or Judge upon any application made under section *thirty-eight*, may make such order in relation thereto, and as to the costs thereof, as shall be deemed proper 20 and reasonable.

No further pleading allowed except on special application and order. XL. No other pleading shall be allowed than the complaint, answer and reply, except by the special order of the Court or a Judge thereof.

By whom pleadings must be subscribed. XLI. Every pleading in a Court of Record must be sub- 25 scribed by the party or his Attorney, and when any pleading is verified, every subsequent pleading must be verified also.

As to verification of pleadings. Case of an account provided for. XLII. It shall not be necessary for a party to set forth in a pleading the items of an account therein alleged, but he shall deliver to the adverse party, within six days after a demand 30 thereof in writing. The Court or a Judge thereof, or a County Judge, may order a further account, when the one delivered is defective, and the Court may, in all cases, order a bill of particulars of the claim of either party to be furnished. 35

Pleadings to be liberally construed. XLIII. In the construction of a pleading for the purpose of determining its effect, its allegations shall be liberally construed with a view to substantial justice between the parties.