

if proof shall be made, it shall not entitle the opposite party to craveoyer of or set out uponoyer, such deed or other document.

Setting out in answer documents referred to in pleading.

CV. A party pleading in answer to any pleading in which any document is mentioned or referred to, shall be at liberty to set out the whole or any part thereof which may be material, and the matter so set out shall be deemed and taken to be part of the pleading in which it is set out. 5

As to averment of performance or non performance of a condition precedent.

CVI. It shall be lawful for the Plaintiff or Defendant in any action to aver performance of conditions precedent generally, 10 and the opposite party shall not deny such performance generally, but shall specify in his pleading the condition or conditions precedent the performance of which he intends to contest.

And with regard to the time and manner of declaring; Be it enacted that:— 15

Plaintiff must declare within a year.

CVII. A plaintiff shall be deemed out of Court unless he declare within one year after the Writ of Summons is returnable.

Commencement of declaration.

CVIII. Every declaration shall commence as follows, or to the like effect: “ (Venue.) A. B. by E. F. his Attorney (or in 20  
“ person, (as the case may be) sues C. D., who has been summoned (or arrested) by virtue of a Writ issued on the  
“ day of A. D. 18 , for (here state cause of action) ” :  
and shall conclude as follows or to the like effect, “ and the  
“ Plaintiff claims £ , (or if the action is brought to recover 25  
“ specific goods,) the Plaintiff claims a return of the said goods  
Conclusion: “ or their value, and £ for their detention.”

Commencement after abatement for non-joinder.

CIX. In all cases in which after a plea in abatement of the non-joinder of another person as Defendant, the Plaintiff shall, without having proceeded to trial on an issue thereon, com- 30  
mence another action against the Defendant or Defendants in the action in which such plea in abatement shall have been pleaded, and the person or persons named in such plea in abatement as joint contractors, or shall amend by adding the omitted Defendant or Defendants, the commencement of the 35  
declaration shall be in the following form, or to the like effect:

Form.

“ (Venue.) A. B. by E. F., his Attorney, (or in his own  
“ proper person, sues C. D. (the defendant originally named  
“ in the Summons) who has been summoned (or arrested) by  
“ virtue of a Writ issued on the day of A. D. 40  
“ 18 , and G. H., which said C. D. has heretofore pleaded  
“ in abatement the non-joinder of the said G. H. for,” &c.

Averments in actions for

CX. In actions of libel and slander, the Plaintiff shall be at liberty to aver that the words or matter complained of