

simple contract, the plaintiff shall deliver full particulars of his demand under those counts, where such particulars can be comprised within three folios; and where the same cannot be comprised within three folios, he shall deliver such a statement of the nature of his claim, and the amount of the sum or balance which he claims to be due, as may be comprised within that number of folios: and to secure the delivery of particulars in all such cases, it is further ordered, that if any declaration shall be delivered without such particulars or such statement as aforesaid, and a Judge shall afterwards order a delivery of particulars, the plaintiff shall not be allowed any costs in respect of any summons for the purpose of obtaining such order, or of the particulars he may afterwards deliver; and that a copy of the particulars of the demand, and also of the particulars (if any) of the defendant's set off, shall be annexed by the plaintiff's attorney to every record at the time it is entered with the Judge's Marshal.

VIII. (e) When the plaintiff declares against a prisoner, it shall not be necessary to make more than two

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delivery of particulars at all, Mr. Chitty says in his *Arch. Pr.* 7 Ed. 1033, that the defendant's course is, to obtain a further order, compelling the plaintiff to deliver them in a specified time, and expressly reserving to the defendant the liberty of signing judgment of non-pros. if not delivered within it. Such an order has, however, been refused.—*Kirby v. Snowden.* 4 Dowl. 191. Annexing the particulars to the record dispenses with the necessity of proof of their delivery.—*Macarthy v. Smith.* 8 Bing. 146. If the plaintiff annex to the record particulars varying from those delivered to the defendant, and the defendant is prepared at the trial to prove the delivery of the particulars to him, the defendant may nonsuit the plaintiff, if he is unable to give in evidence any cause of action included in the particulars delivered; or if not prepared with proof of the delivery of the particulars, the defendant will be entitled to a new trial, and the plaintiff's attorney might be made to pay the costs of the former trial.—*Morgan v. Harris.* 1 Dowl. 570. 2 C. & J. 461. S. C. See rule 9.

(e) See rule 10 post, which orders that in all cases, whether bailable or not, the defendant shall be bound to plead in eight days after a demand of plea. It was formerly necessary, when the defendant was in custody, to make *three* copies of the declaration, one to be delivered to the defendant