

XLIV. In pleading a judgment or other determination of a Court or Officer of special jurisdiction, it shall not be necessary to state the facts conferring the jurisdiction, but such judgment or determination may be stated to have been duly given or made. If such allegation be denied, the party pleading shall be bound to establish, on the trial, the facts conferring jurisdiction.

How the decision of any Court must be pleaded.

XLV. In pleading the performance of conditions precedent in a contract, it shall not be necessary to state the facts shewing such performance, but it may be stated generally that the party duly performed all the conditions on his part, and if such allegation be denied, the party pleading shall be bound to establish, on the trial, the facts showing such performance. In an action or defence founded upon an instrument for the payment of money only, it shall be sufficient for the party to give a copy of the instrument or so much thereof as is necessary to the action or defence, and to state that there is due to him thereon, from the adverse party, a specified sum which he claims.

Performances of conditions of a contract how pleaded. Private

XLVI. In pleading a private statute or a right derived therefrom, it shall be sufficient to refer to such statute by its title and the date of its passage, and the Court shall thereupon take judicial notice thereof.

Statute how pleaded.

XLVII. In an action for libel or slander, it shall not be necessary to state in the complaint any extrinsic facts for the purpose of showing the application to the Plaintiff of the defamatory matter out of which the cause of action arose, but it shall be sufficient to state generally that the same was published or spoken concerning the Plaintiff, and if such allegation be controverted, the Plaintiff shall be bound to establish, on trial, that it was so published or spoken.

What must be stated in complaint in an action for Slander or Libel.

XLVIII. In the actions mentioned in the last section, the Defendant may, in his answer, deny generally or specially the allegations in the Plaintiff's complaint, or may allege the truth of the matter charged as defamatory, and that the same was not published or spoken maliciously and any mitigating circumstances to reduce the amount of damages, and whether he prove the justification or not, he may give in evidence the mitigating circumstances; but if he allege the truth or any mitigating circumstances, he must show *prima facie* the absence of malice on his part towards the Plaintiff, otherwise he shall not be allowed to go into evidence of the truth or of the mitigating circumstances.

And in answer of the Defendant.

XLIX. In an action to recover the possession of property distrained doing damage, an answer that the Defendant or person by whose command he acted was lawfully possessed of the real property upon which the distress was made, and

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