

controverted, the party pleading shall be bound to establish, on the trial, the facts conferring jurisdiction.

Pleading performance of conditions precedent.

LIII. In pleading the performance of conditions precedent in a contract, it shall not be necessary to state the facts showing such performance; but it may be stated generally, that the party duly performed all the conditions on his part; and if such allegation be controverted, the party pleading shall be bound to establish on the trial the facts showing such performance. 5

Pleading private statutes.

LVI. In pleading a private statute, or a right derived therefrom, it shall be sufficient to refer to such statute, by its title and the day of its passage, and the Court shall thereupon take judicial notice thereof. 10

Inuendo in actions for libel, &c.

LV. 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. 15

Answers in cases of libel, &c.

LVI. In the actions mentioned in the last section, the defendant may, in his answer, allege both the truth of the matter charged as defamatory, 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. 25

Title need not be set forth in case arising out of distraint.

LVII. 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 that the property distrained was at the time doing damage thereon, shall be good, without setting forth the title to such real property. 30 35

When several causes of action may be united.

LVIII. The plaintiff may unite several causes of action in the same complaint, where they all arise out of—

1. Contract, express or implied; or,
2. Injuries, with or without force, to the person; or,
3. Injuries, with or without force, to property; or injuries to character; or,
4. Claims to recover real property, with or without damages for withholding thereof, and the rents and profits of the same; or,