



Common Law Procedure Act 1852

1852 CHAPTER 76

Declaration

And with regard to the Time and Manner of declaring, and to Particulars of Demand, be it enacted as follows:

LVIII Plaintiff to declare within a Year.

A Plaintiff shall be deemed out of Court, unless he declare within One Year after the Writ of Summons is returnable.

LIX Forms of Commencement, &c. of Declaration.

Every Declaration shall commence as follows, or to The like Effect:

[Venuc.] *A.B.* by *E.F.*, his Attorney [*or in Person, as the Case may be*], sues *C.D.* for [*here state the 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 specific Goods, the Plaintiff claims a Return of the said Goods or their Value, and £ for their Detention.*]

LX Commencement of Declaration after Plea of Nonjoinder.

In all Cases in which, after a Plea in Abatement of the Nonjoinder of another Person as Defendant, the Plaintiff shall, without having proceeded to Trial on an Issue thereon, commence 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 Declaration shall be in the following Form, or to the like Effect:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

[Venue.] *A.B.* by *E.F.*, his Attorney [*or* in his own proper Person, &c.], sucs *C.D.* and *G.H.*, which said *C.D.* has heretofore pleaded in Abatement the Nonjoinder of the said *G.H.* for,

LXI Declaration for Libel or Slander

In Actions of Libel and Slander the Plaintiff shall of at liberty to aver that the Words or Matter complained of were used in a defamatory Sense, specifying such defamatory Sense without any prefatory Averment to show how such Words or Matter were used in that Sense, and such Averment shall be put in issue by the Denial of the alleged Libel or Slander; and where the Words or Matter set forth, with or without the alleged Meaning, show a Cause of Action, the Declaration shall be sufficient.