

a Judge for an order confining the action to such of the causes of action as may be conveniently disposed of in one proceeding.

102. If, on the hearing of any such application as in the last preceding rule mentioned, it shall appear to the Court or to a Judge that the causes of action are such as cannot all be conveniently disposed of in one action, the Court or the Judge may order any of such causes of action to be excluded, and may direct the statement of claim to be amended, and may make such order as to costs as may be just.

PART II.—PROCEEDINGS PRELIMINARY TO DISPOSAL OF ACTION

CHAPTER I.

STATEMENT OF CLAIM.

103. On applying for a writ of summons the plaintiff shall file in Court a statement of his claim against the defendant.

104. The statement of claim shall be annexed to the original writ of summons, and a copy thereof shall be annexed to each duplicate of the writ issued for service, and it shall be the duty of the officer issuing any duplicate writ to see that a correct copy of the statement of claim is annexed before it is issued.

105. If the plaintiff sue, or the defendant or any of the defendants is sued, in a representative character, the statement of claim shall show in what capacity the plaintiff sues or the defendant is sued.

106. The statement of claim shall show the general nature of the cause of action.

107. If the plaintiff wish to allow a set-off or to relinquish a portion of his claim the statement shall show the amount so allowed or relinquished.

108. If the plaintiff claim to recover compensation for special damage the statement of claim shall show the nature thereof.

PRAYER OF STATEMENT.

109. The statement of claim shall ask for such judgment on each cause of action separately, as the plaintiff shall consider himself entitled to, either simply or in the alternative.

110. The plaintiff may, besides asking for a specific judgment, ask generally for such judgment as the Court may consider him entitled to.

111. If the statement of claim seek the recovery of a sum of money the amount must be stated as precisely as the nature of the case admits.

112. Whenever the plaintiff considers it necessary that accounts should be taken, inquiries made, or any other acts or things done, or proceedings taken to enable the Court to pronounce a final judgment, he may ask that such accounts be taken, inquiries made, acts and things done, and proceedings taken as the nature of the case may require, and the Court shall have full power either before, at, or after trial, to order such accounts, inquiries, acts, things, or proceedings, or any other accounts, inquiries, acts, things, or proceedings of whatsoever nature, and whether prayed or not, which the Court may consider necessary, to enable him to pronounce final judgment in the action.

113. When the plaintiff, in his statement of claim, has prayed to have accounts taken, he may at any time after the defendant has filed his statement of defence, or made default in filing a statement of defence, apply for an order to have accounts taken at once; and unless the defendant satisfy the Court or a Judge, by affidavit or otherwise, that there is some preliminary question to be tried, an order may be made for taking the accounts claimed: and such order may be proceeded upon in the same manner as a judgment of the Court under the last preceding rule.

114. The application for such order as in the last preceding rule mentioned shall be by summons in chambers, and shall be supported by an affidavit filed on behalf of the plaintiff, stating concisely the grounds of his claim to an account.

STATEMENT OF DEFENCE.

115. In all cases except where the plaintiff seeks only to recover a sum of money under fifty pounds, the defendant shall, within the number of days stated in the writ, file in the office of the Court named in the writ, a statement of his defence to the plaintiff's claim, and shall also serve a copy of such statement on the plaintiff.

116. At the foot of the statement of defence there shall be subscribed a memorandum stating whether it has been filed by the defendant in person or by a solicitor on his behalf, and an address to be called the address for service where writs, notices, petitions, orders, summonses, warrants, and other documents and proceedings not requiring to be served on the defendant in person may be left for him.

117. Such address shall be not more than three miles from the office of the Court in which the statement of defence is to be filed.

118. If further time to file a statement of defence is required, the defendant may apply to a Judge on summons, and the Judge may allow such further time as he may deem reasonable, and may adjourn the trial for such time and on such terms as to payment of costs and otherwise as may appear just.

119. The statement of defence shall either admit or deny the allegations in the plaintiff's statement of claim.

120. When the defendant denies any allegation of fact in the statement of claim he must not do so evasively, but answer the point in substance. Thus, if it be alleged that the defendant received a certain sum of money, it shall not be sufficient to deny that he received that particular amount, but he must deny that he received that sum or any part thereof, or else set out how much he received, and so when a matter is alleged with circumstances it shall not be sufficient to deny it as alleged with those circumstances, but a fair and substantial answer must be given.