

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

76. 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.

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

STATEMENT OF DEFENCE.

78. In all cases except where the plaintiff seeks only to recover a sum under twenty pounds, the defendant shall, four days before the day of hearing stated in the summons, file in the office of the Court named in the summons a statement of his defence to the plaintiff's claim, and shall also serve a copy of such statement on the plaintiff or his solicitor, as stated in the summons.

79. 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 summonses, notices, petitions, orders, warrants, and other documents and proceedings not requiring to be served on the defendant in person may be left for him.

80. 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.

81. 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.

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

83. 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.

84. Every allegation not denied shall be deemed to be admitted.

85. When an affirmative defence is intended the statement of defence shall show the general nature thereof.

86. If the plaintiff is prepared to admit any allegations of fact in the defendant's statement of claim, he shall, within two days after the same has been served upon him, serve upon the defendant a notice stating distinctly the allegations he admits, and any allegation of fact not so admitted shall be deemed to be denied, and shall also file a copy of such notice in the Court out of which the summons issued.

SET-OFF AND COUNTER CLAIM.

87. If the defendant has a counter claim against the plaintiff alone, he may, without issuing a summons within the time limited for filing his statement of defence, file a statement of such claim.

88. Such statement of claim shall be headed with the words "Counter Claim," but shall in all other respects conform to the rules as to statements of claim.

89. A copy of such statement of claim shall be served upon the plaintiff, and all further proceedings thereon shall be taken in the same manner as if the defendant had commenced an independent action against the plaintiff, except that the plaintiff shall file his statement of defence in the same office; and the said counter claim shall be tried at the same place as the statement of claim in the original action, and such trial shall take place immediately after the trial of the original action.

90. The Court or a Judge may order that the plaintiff's claim and the defendant's counter claim be tried together, if it be made to appear that such claim and counter claim can be disposed of more conveniently by hearing them together than separately.

91. If the counter claim be against the plaintiff jointly with other persons it must be prosecuted by independent action.

92. The Court or a Judge may adjourn the hearing of a counter claim if it be made to appear that the plaintiff will be prejudiced by the trial taking place as hereinbefore provided.

STATEMENTS OF CLAIM AND OF DEFENCE GENERALLY

93. The statements of claim and defence respectively shall give such particulars of time, place, amount, names of persons, dates of instruments, and other circumstances as may suffice to inform the opposite party of the cause of action or ground of defence, as the case may be.

94. If at the trial it appear to the Judge presiding at the trial that either party is taken by surprise by the nature of the case or defence set up by the opposite party, the Judge presiding at the trial may adjourn the trial to such time and place as shall seem just.

95. If at the trial of the action the Judge presiding at the trial shall be of opinion that any allegation of fact not admitted by either party under the provisions hereinbefore contained ought to have been admitted, the Judge presiding at the trial may order that the cost of proving such allegation be borne by the party not admitting the same, whatever be the result of the action.

96. The statements of claim and of defence shall be divided into paragraphs numbered consecutively, and each paragraph containing as nearly as may be a separate allegation. Dates, sums, and numbers shall be expressed in figures and not in words.

97. Distinct causes of action and distinct grounds of defence, founded on separate and distinct facts, shall be stated as nearly as may be separately and distinctly.

98. If either party wishes to deny the right of any other party to claim as executor or trustee, whether in bankruptcy or otherwise, or in any representative or other alleged capacity, or the alleged constitution of any partnership firm, he shall deny the same specifically.