



Hand-Book of Common-Law Pleading

Benjamin Jonson Shipman

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1895 edition. Excerpt: ... APPENDIX. Form 1. Skeleton Form of Declaration. In the Court, County. Term, A. D. 18--. County of , to wit: A. B., plaintiff, by X. Y., his attorney, complains of C. D., defendant, who has been summoned (or attached, as the ease may be) to answer the said plaintiff in a plea of (here state the form of action for which the defendant was summoned, as debt, trespass on the case in assumpsit, trespass on the case, covenant, etc). For that (here state the cause of action).1 To the damage of the said plaintiff in the sum of dollars, and therefore he brings his suit, etc. x. y., Attorney for Plaintiff. Form 2. Declaration in Special Assumpsit. (Commence as in Form 1.) For that whereas (this is inducement), on the day of , A. D. 18--, at , In the county aforesaid, the said plaintiff, at the request of the said defendant, bargained with the defendant to buy of him, and the defendant then and there sold to the plaintiff, a large quantity of corn, to wit, one thousand bushels, at the price of sixty cents for each bushel thereof, to be delivered by the defendant to the plaintiff, on or before the day of , A D. 18--, at the plaintiff's elevator, at the place aforesaid, and to be paid for by the plaintiff to the defendant on the delivery thereof, as aforesaid. And (this is averment of consideration) in consideration thereof, and that the plaintiff had promised the defendant, at his request, to accept and receive the said corn, and to pay him for the same at the price aforesaid, he, the defendant (this is the averment of the defendant's promise), on the day flr9t afore, said, In the county aforesaid, promised the plaintiff to deliver the said corn to him as aforesaid. And (this is the averment of performance or readiness to perform by plaintiff and...

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