

ARTICLE LXXV.

Pleadings, Practice and Process.

PLEADING.

3. Declarations · plea. actions of ejectment.

PLEADING.

1870, c. 420 repeals section 3 and substitutes the following therefor :

1870, c. 420.
Declaration.

Plea.

Actions of
ejectment.

SEC. 3. Any declaration which contains a plain statement of the facts necessary to constitute a ground of action, shall be sufficient, and any plea necessary to form a legal defence shall be sufficient without reference to mere form ; this to apply to replications, rejoinders and all subsequent pleadings ; and this section shall apply as well to actions of ejectment as to other actions ; and actions of ejectment shall not be brought in the names of fictitious parties, or under the fictions of lease, entry and ouster, but the real persons who are proper as plaintiff and defendant, shall be named, and the defendant's plea shall answer specially every material fact stated in the declaration ; but a copy of the declaration shall, with the writ, always be served upon the person in actual possession of the land claimed at the time of the bringing of the suit, or if no one be in actual possession, the sheriff shall set up a copy on the premises, the service or setting up of which copy the sheriff shall certify upon the writ issued in the case or on such copy, if returned, with the date of such service ; and the declaration of the plaintiff shall contain such certain description of the land claimed as will enable the same to be located, as well as the extent of the interest or estate in the land so claimed.

Approved April 4, 1870.