

ARTICLE 2nd.

OF TIME.

Time.

111. When time forms a material point in the merits of a cause, the day, month and year, or when there is a continuous act, the period of its duration, must be alleged, and proved as laid. When time is not material, it need not be mentioned, and if mentioned, need not be proved.

ARTICLE 3rd.

OF PLACE.

Place.

112. It shall be necessary to allege a place only when it is descriptive of the subject matter of the action, and forms a part of the substance of the issue; and it must be proved as laid.

ARTICLE 4th.

OF QUALITY OR KIND.

Actions for injuries to goods and chattels.

113. In actions for injuries to goods and chattels, their kind or species shall be alleged in the declaration, and must be proved as laid.

Injury to real property.

114. In actions for breaking the plaintiff's close, or for any injury to real property, the plaintiff shall describe the property, and when the injury is to an incorporeal hereditament, shall describe the property in respect of which the right is claimed, (as well as the right itself,) in his declaration, either by the name by which the property is patented, or by its abutments, or by its courses and distances, or by any name which it has acquired by reputation, or by some other description certain enough to identify it.

ARTICLE 5th.

OF QUANTITY AND VALUE.

Must be alleged.

115. Where quantity forms a part of the substance of the issue, it must be alleged, and specified with reference to the ordinary measures of extent, weight or capacity. And where value forms a part of the substance of the issue, it must be alleged, and specified by the current coin of the United States.

Verdict not for a greater value than alleged.

116. A verdict shall not be for a larger quantity or value than is alleged.