

Amler's Precedents of Pleadings

Ninth Edition

Harms



Amlers Precedents Of Pleadings

Edward Bullen, Stephen Martin Leake



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Excerpt from Bullen and Leake's *Precedents of Pleadings With Notes and Rules Related to Pleading* A necessary consequence of the extensive changes in the law of Pleading is that the valuable and elaborate works previously existing have been rendered comparatively useless except to those persons who possess an intimate acquaintance as well with the former practice as with the recent changes The object of the Authors of this Work has been to supply a collection of precedents with instructions for their use adapted to the law and practice of Pleading in its present state The very learned Editors of Smith's *Leading Cases* Mr Justice Willes and Mr Justice Kestin g the former of whom was a member of the Royal Commission advertent to the effect produced on the art of pleading by the relaxation of the former rules of criticism and by the powers of amendment given by the Common Law Procedure Act 1852 make the following valuable remarks It must how ever be remembered that the accurate statement of such of the facts and circumstances of each case as are necessary to enable the plaintiff on the one hand to establish his entire cause of action and the defendant on the other to set up his entire defence is still an essential part of the duty of counsel and that although a final defeat of justice upon merely formal grounds may be averted by the provisions already referred to no legislative enactment can in all cases prevent the expense and delay which result from the necessity for amending untrue or imperfect narratives of the facts relied upon by the respective parties Such inconveniences are to be avoided by taking care in the first instance to make the pleadings true and perspicuous adopting the known and understood formulae used for the sake of brevity in cases Of frequent occurrence and where there is no such formula stating the material facts as they can be proved to exist in intelligible language l Smith's *Leading Cases* 4th ed 103 About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books Find more at www.forgottenbooks.com This book is a reproduction of an important historical work Forgotten Books uses state of the art technology to digitally reconstruct the work preserving the original format whilst repairing imperfections present in the aged copy In rare cases an imperfection in the original such as a blemish or missing page may be replicated in our edition We do

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