

not conflict with the principles and rules of this code, shall be provided for upon the analogies of the provisions which seem to bear most upon the matter; and of this the court shall judge, whenever any such pleadings shall have been framed in a cause, and the question is raised by motion. And if the court shall determine such pleading to be erroneously framed, it shall have it corrected; and in such case the costs of the amendment shall be in the discretion of the court.

Laws inconsistent with the provisions of this code repealed.

136. All laws so far as they are inconsistent with the provisions of this code are hereby repealed. The laws and usages of this State relating to pleading, practice and proceedings in civil actions, so far as they are not inconsistent with the provisions of this code, and as far as the same may operate in aid of those provisions, or to supply any omitted case, are hereby continued in force.

CHAPTER 3RD.

FORMS OF PLEADINGS.

137. The forms of pleadings which follow, shall be sufficient; and those and the like forms may be used, with such modifications as may be necessary to meet the facts of the case: but nothing herein contained shall render it erroneous or irregular to depart from the letter of such forms, so long as substance is expressed without prolixity.

Forms to be used with such modifications as may be necessary to meet the facts of each case.

COMMENCEMENT OF DECLARATIONS.

(Venue.) "A. B., by S. T., his attorney, (or in person, as the case may be,) sues C. D. for, (here state the cause of action.)"

CONCLUSION OF DECLARATIONS.

"And the plaintiff claims \$——" (or if the action is brought to recover specific goods,) "the plaintiff claims a return of the said goods, or their value, and \$——, for their detention."

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