

amounts to an indirect repeal of the simplified system of pleading, and is a virtual evasion of the command of the Constitution. The chapter contains a provision authorizing the old vexatious and expensive forms of the common law pleadings, to be used at the pleasure of the pleader. And the whole drift of the chapter, as can be easily shown by provisions here and there, is to undermine and destroy the simplified system. Enough of the simplified system is retained to make the chapter seem, to the uncritical eye, to be the same in substance with the simplified system, while such scope and direction are given to the simplified forms that are retained, as to make them in practice work gradually the destruction of the simplified system as a scheme of specific issues. The old system is re-established in a hostile relation to the new, and the latter is so mangled and crippled as to ensure its entire destruction, and to bring back, into the practice of the courts, the old pleadings in a more prolix and abusive form than ever. Even the power of the courts over bad pleading is crippled by express provision, and license is thereby permitted to unguided ignorance and wilful perversity to confuse judicial practice. Every *imperative* rule against technicalities and prolixity except one, is struck out, and that one is rendered of no effect; and even from the section of the simplified system which permits a deviation from the strictness of the simplified forms, "so long as substance is expressed *without prolixity*," the words "without prolixity" are struck out. The simplified system, as a scheme of special issues, expressed in a few plain words, so that the jury can at once understand the matter in dispute, is entirely destroyed. Every rule, too, which shows, by the matters which it abolishes, the exact changes from the old forms to the new, has been struck out, thereby destroying the indications of the doctrinal connections between the two, and rendering it difficult, if not impossible, to understand the simplified forms that are retained by the Codifiers. The student of pleading will find, in the simplified forms without these rules, a contradiction of every thing he has read, without being furnished with any explanation of the discrepancy. In fact, all the guides for pleading aright, which were carefully introduced into the simplified system, have been struck out. The scopes of most of the pleas, (for it must be held in mind that pleas have both a logical and legal scope) have been rendered doubtful, where there can be no doubt in the simplified system, because of certain rules defining directly and others defining indirectly their scopes, and also because of direct references connecting the pleas with the declarations. A further perplexity is created, by retaining in the chapter some of the simplified forms with the rules which make them valid, while retaining other like forms and leaving out the rules which