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John Jay McKelvey

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Principles of Common-Law Pleading John Jay McKelvey, 2015-07-10 Excerpt from *Principles of Common Law Pleading A Brief Explanation of the Different Forms of Common Law Actions and a Summary of the Most Important Principles of Pleading Therein With Illustrations Taken From the Cases* The principles of common law pleading as they came into our law are worthy of special study. They constitute a subject of interest and importance alike to the lawyer who practices under a modern code system and to him whose professional activity lies in some State where the old forms though modified somewhat it may be by occasional statutory enactment or progressive court decision still prevail. No code has been able to abolish the principles of common law pleading because they form the foundation upon which every code must build its own system. A code may call things by different names as complaint, for declaration, answer for plea, but the things remain the same and what is more to the point the purpose for which the thing is used remains the same. Hence to know how to best make the thing serve its purpose one may still study with profit its origin and its use in the cases recorded in the home of its origin. It is in fact the same with Pleading as with other subjects. Our whole system of law is the embodiment of the principles of the common law as found in the cases and to the cases we must ever turn for light either as a direct aid to the administration of justice or as a means of understanding and applying some statutory restatement of principles first established by the courts. 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, however, repair the vast majority of imperfections successfully. Any imperfections that remain are intentionally left to preserve the state of such historical works.

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