

There are other forms of action, *Real* and *Mixed*; but of these, the action of Ejectment is the only one in general use, and the form and mode of pleading in Ejectment we do not perceive to have undergone any alteration under the new Rules. The same observations will apply to the actions of *Account*, *Annuity* and *Deceit*, which are all but obsolete.

The forms of Action which require our attention, are—

1. Assumpsit.
2. Covenant.
3. Debt.
4. Detinue.
5. Replevin.
6. Trespass.
7. Trespass on the Case.

1st.—*Assumpsit*, (or in other words, an action on the case upon promises,) may be considered applicable to all Contracts, common or special, express or implied, oral or written, (except in cases of writings under seal,) and in this, the form of the General Issue is, that the Defendant did not undertake or promise, in manner and form as the Plaintiff hath declared against him.

2nd.—*Covenant*, which is confined to breaches of Contract under sealed Instruments. The form of General Issue here is, *non infregit conventiomen*, but this form of Pleading has long been exploded; and what is usually considered the General Issue, is *non est factum*, which in terms denies that the sealed Instrument on which the action is brought is the deed of the Defendant.

3rd.—*Debt*, which is principally of four sorts: 1st—On Bonds or other sealed Instruments: 2nd—For the recovery of Monies due on other written, or on verbal Contracts: 3rd—On Judgments: 4th—On Penal Statutes, or other Acts of the Legislature, where this action is expressly or impliedly given.

*Nil debit*, that the Defendant does not owe the debt sought to be recovered, is the form of the General Issue, but this is not applicable (with some few exceptions) to actions on sealed Instruments,—in such actions the General Issue is understood to be *non est factum*; nor to actions on Judgments where the Plea is *nil tiel record*, denying the existence of the Record of the Judgment set out in the Declaration. In actions on Penal Statutes, there are two forms of the General Issue: *nil debit*, which in terms denies that the Defendant has incurred the penalty or debt, and *not guilty*, which in terms denies the fact upon which the penalty or debt accrues.

4th.—*Detinue*, an action seldom resorted to, is founded on the unlawful detention of specific chattels, in which the General Issue is *non detinet*, denying the detention.

5th.—*Replevin*, which is in one sense a mixed action, the Plaintiff not merely proceeding for damages for the taking, but getting possession in the first instance of the property, which he alleges to have been taken, on giving security to prosecute the suit, to make a return of the goods, if a return be awarded, and to pay all such damages as may be awarded to the Defendant. The General Issue is *non cepit*, which admits the property of the Plaintiff, but denies the alleged taking.

6th.