

were not authorized, by their commission, to revise and alter either the simplified pleading or the simplified conveyancing, or to meddle with pleading or conveyancing at all. Both of these subjects had been committed to the other Commissioners. And it is also quite obvious, that it would have been more respectful to the Constitution which authorized, and to the Legislature which appointed a distinct commission to perform this work, if the Codifiers had consulted with that commission as to the proper mode of putting into a convenient form the results of their respective labors. The Simplifiers prepared the simplified pleading and conveyancing in forms suited to such a co-operation between the Codifiers and themselves; and the simplified pleading and conveyancing can be incorporated into a general Code, without the alteration of a single word, except the enacting clause, which was prefixed to them, to give them the temporary form of an Act of Assembly, until the whole work of both commissions should be completed, and the two sets of Commissioners could confer together, and publish their respective works in such form, as might seem best, as the work of both sets of Commissioners.

This is obviously the true, the just, and the proper course indicated, both by the Constitution, the Legislature, and that ordinary respect which is due from each of the two sets of Commissioners to the other.

If, however, the Codifiers had incorporated the simplified pleading and conveyancing into their volume, without mutilating them, and more especially, if they had improved them, the undersigned would not have made any public objection to the act. But as the undersigned, after a careful examination of the simplified pleading, as presented by the Codifiers, has formed the opinion that it is ruined as a practical scheme of law procedure, he feels it incumbent on him, as the Commissioner who prepared the simplified pleading, and is therefore especially responsible for it, to respectfully submit to your Honorable Body, reasons why the chapter on pleading of the Codifiers should not be accepted, as a substitute for the simplified pleading prepared under the sanction of the Constitution and the law, and accepted by the Legislature as a proper fulfillment of the commands of the Constitution, and a satisfactory performance of the duty assigned to the Simplifiers.

The Constitution commanded a specific improvement in pleading, viz: to *abridge and simplify it*. The Legislature in their resolution appointing the Commissioners, ordered that specific command of the Constitution to be fulfilled; and that specific command has been fulfilled to the satisfaction of the Legislature. The chapter on pleading by the Codifiers,