

make them valid. Either all such rules should have been retained or all struck out. But manifestly, all such rules are necessary to the validity of the forms to which they relate. Because of certain oversights, some of the pleas, and one or two of the declarations, cannot be applied in practice at all. And from the uncertainty of the scopes of many of the forms of pleas, the law in relation to the admissibility of evidence will, in some cases, be mere guess work. The whole chapter is an unpractical contrivance to carry into effect an impossible purpose, to wit: to make the simplified forms consistent with the use of the old system of pleading, and enabling the pleader to choose, at pleasure, the old or the new forms. The chapter, if made law, must, it seems to the undersigned, produce in practice a confusion which can only be remedied by either restoring the simplified system in its integrity, or by going back, against the command of the Constitution, to the old system.

Though the simplified pleadings and conveyancing do not belong to the simplifiers, yet the merit of having framed them, if merit it be, does belong to them; and it is not only their right, but it is their duty, to present to the consideration of your Honorable Body, the damage which the Codifiers have done to the simplified pleading and conveyancing, and thereby exonerate themselves, from the responsibility of seeing a scheme, fruitful of mischief, wearing the guise of their work, presented, with hundreds of other matters, to the Legislature, for approval, without making any protest.

The undersigned, not having had the opportunity of conferring with his colleagues, presents this communication to your Honorable Body, on his own responsibility as one of the Simplifiers; and asks of your Honorable Body, the simple justice of having it placed on the Journals of the respective Houses, as a vindication, hereafter, of the undersigned, for all responsibility for the chapter on pleading inserted in the volume already noticed.

All of which is respectfully submitted to the justice and the magnanimity of your Honorable Body.

SAMUEL TYLER,

*Commissioner.*

FREDERICK, MD., January 11, 1860.

On motion of Mr. Miles,

The letter accompanying the protest was ordered to be placed on the Journal.