should nevertheless be examined, but in that case the verdict or judgment should not be admissible for or against him or any one claiming under him." A much larger step was taken ten years later, in 1843, by Lord Denman's Act, by which all persons (with a few exceptions) were made competent witnesses, excluding only the parties to the suit and the husband or wife of the party.

But the lawyers and the public now began fully to awake to the mistaken policy of rejecting relevant testimony on the ground of interest, and in 1851 all parties to a suit and other interested persons became competent and compellable to give evidence, with the exception of husbands and wives. In 1853 husbands and wives of parties and interested persons became competent witnesses. The consequence of these reforms, for we may now well call them reforms, as no one would suggest a return to the old system, may be shortly summarized as follows:—For centuries a mass of legal lore had been accumulating, of which the learned deductions and discriminations had misled generations of lawyers; to look into the law was to lose all clear vision of the real necessities of the case, and to become confounded with a huge structure of ingenious conclusions and distinctions, based upon dubious assumptions. In fact, after this vast amount of labor and this fearful havoc among litigants for centuries, we have come to the conclusion that the natural instinct of the juryman was right, and that the method he adopts in his daily life, and which he would adopt in court if he were permitted to follow his own inclination, of hearing all the persons connected with the dispute, is the right one.

The juryman is not afraid of being deceived if left to his own methods; he is quite aware of the motives to dishonesty with interested parties, and is watchful and suspicious of fraud where there is interest, but by hearing them, even if they distort the evidence or swear falsely, he feels he knows more and is better able to give a true verdict. Shall we not carry our faith in the juryman's discernment a little further, and trust him with all the witness has to say, including hearsay, so long as he keeps to the point, and thus bring our law of evidence very close to his own unconscious rules? The juryman gives credit to his customers, invests his money, and generally carries on all the transactions of his life upon statements and representations often entirely hearsay, and this hearsay comes from persons who may have personal prejudices or a strong interest in misrepresentation. The juryman does not refuse to listen to these statements because "hearsay is no evidence," but is only too glad to receive information from any source, and generally succeeds in estimating it at about its right value. Thus, in a court of law, we have hearsay withheld from the juryman lest he might be deceived, when he spends a large part of his daily efforts in assessing it at its true value, and is thus peculiarly able to draw correct inferences from such testimony.

Apart from these general considerations and the argument they make for the admission of hearsay, we propose to consider shortly in detail the objections which are urged against this description of testimony, and to point out that many of them are more imaginary than real. We do not wish to deny that there is much weight in some of the objections, just as there was in the objections to