

of great natural ability and sound common sense. He became a member of the Legislature in 1828 for Lincoln and was defeated in 1834 by only one vote. He died in 1842, aged 65. "A fine old gentleman of the old Canadian school," and skilled in the old way, he had no use for new-fangled methods or instruments, and could never be brought to see the advantage of the stethoscope (which he called the "telescope"). Dr. Lafferty could not at that stage say whether Dr. Raymond's treatment had been proper, but he administered purgatives to the patient then *in extremis*. This treatment gave some relief, but there was no hope, and the unfortunate man died.

The brother was very violent; he told Dr. Raymond that he was not fit to practise, he was an impostor, an old woman, he knew nothing and should not impose himself, being so ignorant, upon the public. This kind of talk the angry brother repeated to several and at length Dr. Raymond brought an action against him for slander.

The case came on for trial at Niagara, September 17th, 1831, before Chief Justice John Beverley Robinson (not yet a baronet or even a C.B.) The facts above detailed were clearly proven and it would seem that nothing could save the defendant. But in those days the law and practice were full of traps for the unwary, and often a litigant with an honest and unanswerable case failed by reason of some slip of his attorney. We have changed all that and now it is impossible for anyone to lose an honest case through the mistake of his lawyer in reducing his claim to writing.

In those days what is now called the "Statement of Claim" was called the "Declaration." It contained a statement of what the plaintiff claimed, and had to be headed or entitled in some "Term of Court." This was intended to indicate the time when, or at least before which, the wrongs complained of were committed. The declaration was always to be entitled after the time when the cause of action was stated to have accrued. Moreover, if the heading were "General," i.e., "Trinity Term," "Michaelmas Term," etc., this was read as the first day of term, and the cause of action was therefore alleged as accruing on or before the first day of the term. If it was intended to allege the cause of action as accruing during the term, the declaration had to be entitled of a subsequent day in that term, and not of the term generally. All this learning may be read in the classic pages of Tidd (Uriah Heep's favorite author) 8th edition, Vol. I., p. 428, and is now as dead as Julius Caesar. The declaration in Dr. Raymond's case was entitled "Trinity Term, I. William IV." Trinity Term began that year (1831) on June 20th, accordingly the wrongs were by the "General" heading alleged to have been committed on or before June 20th. But the evidence dis-