

torney. 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 disclosed that the words were uttered later, none of them before June 26th, and the plaintiff was "non-suited." He could pay the costs, amend his pleading and bring his action down for trial again, but it does not appear that he did so. He might also sue his lawyer for negligence and would almost certainly have succeeded.

A defect that was fatal in those days, a judge at the present would sweep aside with a contemptuous smile. Law has made in the eighty years almost as great strides as medicine. And it is pleasant to know that all the great advances made in either science have been made by those active in their profession.

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