

This deed is of course open to any one to see who may desire to understand how singularly, for want of a principal being able to appear in Court, he cannot explain his case. A Lawyer of great capacity may be able to identify himself with the changing aspects of his client's cases, but such gifts are very rare, and in England, where I have often heard the greatest intellects of the age pleading causes and astonishing the world by their acuteness, the Lawyers themselves hail the change as a great boon.

Now all this does not prove an agreement on his part to share the costs I did not recover; it might or might not with other things, but that is not the question; all I complain of is, that according to our present law, this deed would not have availed, though with our two statements before the Court, it would have much assisted the Judge.

To illustrate further how necessary personal evidence might be to prove even a simple thing—Let any one try to remember what he did last Sunday, and explain it to any other person. If when he got up and commenced to give his recollections, he were stopped and told to prove everything by witnesses, what kind of an account would he be able to give of himself? Why, even when I have sat on the Bench and heard a circumstantial accusation sworn to, and asked the prisoner, not on oath, and possibly not in all respects an estimable character, what he could say for himself, his statement has given me much information I was wanting. A plea, if it is to avail, must entirely change in character; it must descend from the regions of poetry, and be sworn to. It seems almost incredible that I find myself pleading for what