

sible to give testimony. In the course of the remarks of Shepley, J., who delivered the opinion, intimations were given, that if it had been the plaintiff's traveling trunk of wearing apparel that had been lost, which it might reasonably be expected he would pack up himself, and not in the presence of any one else, the decision might have been different. He seemed to think that there would be but little danger of imposition upon railroad proprietors, from the relaxation of the rule excluding parties from testifying in their own cases, so as to admit travellers to testify to the contents of a trunk of clothing: as any extravagance in the estimation of the quantity and quality, and number of articles, would be susceptible of detection, from the knowledge which might be obtained of the kind and amount which might be reasonable to believe, under all circumstances of his particular condition, that he would have with him. But as to money, books, instruments, and such articles, which are not exposed to public view, the defendants would have no protection against the testimony of the plaintiff; and the rule of public policy, which debars a plaintiff from being a witness, must be enforced.

