

become bound in all respects, as the next friend of the plaintiff Anna.

BLAND, C., 1st September, 1826.—It is clear that any one, so long as he stands before the Court as the next friend of an infant or a *feme covert* plaintiff, being liable for costs, is therefore an interested and incompetent witness. *Head v. Head*, 3 *Atk.* 547. But where the object is not to favor the escape of such a next friend from any liability, arising from the suit's having been improperly instituted or conducted by him, he may be made a competent witness by being discharged, and having another put in his place; and the Court will, on application, at any time before the final hearing, allow a *change to be made for that purpose, on its being shewn to be necessary, and on the costs then incurred, being secured. *Witts v. Campbell*, 12 *Ves.* 493; *Melling v. Melling*, 4 *Mad.* 261. **551**

Ordered, that Charles F. Mayer be, and he is hereby appointed next friend of the plaintiff Anna. G. M. Helms, instead of the said Wandelohr, as prayed.

The commission to Bremen having been returned, and filed on the 15th of September, 1827; and it appearing that the depositions of the witnesses had been taken in the German language, with a translation; the defendants objected, that the case could not be heard until those depositions were more correctly translated; and the plaintiffs applied by petition, to have them translated accordingly.

BLAND, C., 10th January, 1828.—This matter has an origin and bearing worthy of more attention than seems to have been usually bestowed upon it. I shall therefore here, once for all, avail myself of this occasion to advert, as briefly as may be, to the laws and principles upon which the parties have a right to have depositions correctly put into English before the case is set for hearing.

An English Statute passed in the year 1362 sets forth, that great mischiefs had happened because the laws were not commonly known, for that they were pleaded, shown, and judged in French, which was much unknown; so that the people who plead, or were impleaded in the Courts had no knowledge or understanding of that which was sued for, or against them; that the laws would be known and better understood in the tongue used in the realm; so that every man might the better govern himself without offending, and the better keep, save, and defend his heritage and possessions. And thereupon enacts, that all pleas which should be pleaded in any Court, should be shewn, defended, answered, debated and adjudged in the English tongue; and be entered and enrolled in Latin. 36 Ed. 3, c. 15; *Parke's His. Co. Chan.* 43. By