terms, to proceedings in trial courts only. The records on appeal were, therefore, treated as open to minutest objections and judgments were reversed and sent back upon *procedendo,* for the slightest defects in any of the proceedings. The pamphlet continues (page 60),

> The writer of these pages, well knew a gentleman, now no more, who had the reputation, and in his way, well deserved it, of being a very able lawyer. His mental vision was essentially microscopic. It was astonishing how attenuated his objections sometimes were—perhaps more astonishing how frequently the courts sustained them. It was said of him with entire truth, that he spent his whole life in defeating justice. He was a great terror to all classes of suitors, and hence his reputation for great ability. In the Court of Appeals, his opponent was never safe against his minute and searching scrutiny of the record. He would even count the names of jurors, to be sure that there were the even number of twelve. And once reversed a judgment because the name of one of the panel had been accidentally omitted. It was not until the year 1825 that the mischievous industry of such men was deprived, by the act of that year, [chapter 117] which provided that neither party in the Court of Appeals should be permitted to insist upon any point or question which did not appear, from the record, to have been presented to, and decided by, the court below.

The statute is a familiar one frequently applied at this day, of course, and is the foundation of the rule that even instructions requested for juries should not be too general, that is, should be sufficient to make it clear in each case that the point made on appeal was before the trial court. It brought the court back to its true function of a court of review, to which it might have been confined without a statute. The principle had been applied in equity cases without a statute.[23]

23. Ringgold's Case, 1 Bland, 5, 14.