thorities to do before they come to the task of decision.

Lawyers in the latter half of life can bear witness to some minor but possibly interesting changes in arguments. There is a difference observable in the kind of education or culture of the lawyers in the last two generations. Formerly there was more education in common, so to speak, more of a common literature and lore, so that lawyers could, and did, sprinkle their arguments with quotations and allusions, not only for ornamentation but in order to bring to bear associations which would emphasize their points. Quotations from the Bible and Shakespeare's plays could be used with effect on all educated minds during the nineteenth century, and other works had their turns in the common lore of one generation and another. When Thomas Jenings in 1790[13] attacked what he thought to be irrelevant precedents with the allusion,

> As absurd as quoting the ancient Romish canons respecting the annulling of Shandy's baptism, which occasioned Toby to remark "but what has all this to do with the child of a Protestant gentleman, christened Tristram, against the will of his friends and relations?"—

when Jenings quoted that question, and when lawyers in the latter half of the nineteenth century retorted, "Chops and Tomato Sauce!" as they often did for a similar purpose, they were alike using current coin; and the judges and auditors in one time and the other were probably affected alike. But there is no literature in common now, no quotations and allusions which would be un-

13. Dulany v. Wells, 3 Harris & McHenry, 49.