

party offering it has done everything that could be reasonably expected of him to prevent the absence. These may all be rules now, in some courts and places, but they are generally enforced with laxity, if enforced at all.

Suppose the trial once begun, how can it best be brought to an end? By trying the issue as rapidly as may be with safety, and so trying it that the process shall not have to be repeated. Observe the process as it is now presented. No sooner is the trial opened than a wordy debate begins. Question after question is objected to; the objection is discussed for and against; the law reports are brought in and read, that it may be seen what some judge, learned or unlearned, in the same State or some other State, has said on some question, more or less like the present, and all this with the certainty, that if on one or more appeals, other judges think that the question has been improperly admitted or improperly rejected, the whole trial goes for nought, and a new one has to be fought over with perhaps the same experience and the same results. The wonder is, not that so many trials fail, but that any one ever gets through aright. It follows, as might have been expected, that we so often find practical failure in the search for theoretical perfection. It might be well, possibly, if there were time for it, that every question should be discussed until nothing more could be said on either side, but if that were to be done, no patience could survive the trial. The habits now prevailing and growing worse every day must be changed; the wearisome questioning of witnesses must be curtailed; the interminable debates must be stopped; appellate judges must consider more often, not whether a question was theoretically right, but whether its reception or rejection was practically injurious; and especially when a jury is in the box, the court must look to their convenience and spare their time. In short, a radical reform in the methods of trial courts must be somehow wrought out.

This picture of a jury trial, though by no means imaginary, may not answer for all parts of the country, but there is so much similarity that we may safely rea-

son from this specimen. We know that a great deal of time is misspent. First, the unpunctuality of the judge, if unpunctuality there be, as there often is, is a serious grievance. He has no right to trifle with the time of lawyers, suitors and witnesses, and even though he may perhaps have the excuse that he has been detained by judicial duty at chambers, he should remember that one of the first duties of a public officer, especially a judicial one, is so to arrange his engagements that one shall not clash with another, and the public not to be put to inconvenience.

Let us take our seats as spectators of a severely-contested jury trial in a court of general jurisdiction of one of our cities, say in the city of New York, and see how one of them at least is conducted. The hour of the sitting is fixed for eleven o'clock. At that hour a crowd of lawyers, suitors, witnesses and spectators is in attendance ready for the judge. He comes, perhaps punctually, and perhaps not punctually, but after a few minutes, or a quarter of an hour, or half an hour, nobody can foretell which.

At last he appears, and begins by asking what suits are ready, or rather by calling over the calendar, an unintended but real invitation to the parties, one or both of them, not to be ready. This call, and the little debates which follow, take perhaps another half hour; so that the spectators may think themselves fortunate if they see a suit begun as early as twelve o'clock. It is then brought on and the names of the attending jurymen are called as they are drawn one by one from the wheel. Some questioning generally follows; now and then a contest and a side trial over one or more of the names drawn; but at last a jury is completed. Then the case is opened by the plaintiff, and the examination of witnesses begins. When three or four questions have been put and answered, some objection is made; it is duly debated for a few minutes, or it may be for an hour, or even four hours; the judge decides, the question being allowed or disallowed; an exception is noted, and the questioning starts again. In a short time however comes another objection, when the process of debate, decision and exception is repeated, and so on until perhaps the day is spent before the