

actions for damages were tried in 1884, and 33,924 cases of defaulting tenants and of corporation penalties were disposed of. There are no delays. A case is generally tried in two weeks from its commencement. There were only 179 appeals to the Common Pleas, and of these not more than three were taken to the Court of Appeals. In less than three per cent of the cases was a jury demanded.

In respect of uncertainty we can easily find the number of reversals in each State. We content ourselves with four States. An examination of the last volume of Reports of Decisions in the Courts of last resort of New York, Pennsylvania, Ohio, and Virginia, respectively, four States which may be considered representative and which have Courts of Appeal separate from the courts of first instance, gives the following results: Volume 97 of the Reports of the New York Court of Appeals contains 79 decisions, of which 38 were reversals. The judges cited in their opinions 449 decisions, being 353 made in New York, 56 in England, Scotland and Ireland, 8 in our Federal Courts, 7 in Massachusetts, 4 in Pennsylvania, 3 in Vermont, 2 in Connecticut, 2 in New Hampshire, 2 in California, 2 in Minnesota, 2 in Alabama, and in New Jersey, North Carolina, Kentucky, Florida, Virginia, Indiana, Maine and Iowa, one each. Volume 105 of the Pennsylvania Supreme Court Reports contains 95 decisions, of which 44 were reversals. The citations of the judges were 451. Volume 39 of the Ohio Supreme Court Reports contains 98 decisions, of which 46 were reversals. The citations were many. Volume 78 of the Virginia Supreme Court Reports contains 81 decisions, of which 40 were reversals. The citations were 576. The sources of these citations made by the judges of Pennsylvania, Ohio and Virginia in their opinions, were as various as those made by the judges of New York.

These were the decisions cited, examined and commented on by the judges in making up their own opinions. But the decisions cited by counsel and pressed upon the judges for their consideration were, it is safe to say, ten times as many. In volume 88 of the New York Reports, the number of cases cited by counsel was 5,037. A single case reported

in volume 97 shows that the counsel on the two sides cited 285 decisions, of which 125 had been made in New York, 61 in England, 2 in Ireland, 4 in Pennsylvania, 4 in North Carolina, 4 in Massachusetts, 2 in New Hampshire, 2 in New Jersey, 2 in Kentucky, 2 in the Federal Reports, and from Maine, Vermont, Iowa and South Carolina, 1 each.

Some of the appeals were from courts which were themselves Courts of Appeal from lower courts. Thus the cases in the New York Court of Appeals were reviews of judgments and orders in the General Terms of the Supreme Court and the Superior Courts of cities, rendered on appeals in each from a single judge of the same court. Volume 42 of the New York Supreme Court Reports contains 130 cases reported in full, 14 "memoranda of cases not reported in full," and 317 "decisions in cases not reported." Of the first two classes, 82 were reversals, that is to say, 82 out of 144; more than half. Of the last class 69 were reversals, that is more than one in five; and of the whole 461 cases decided, 96 were reversals. The first page of the volume mentions 14 cases, reported in 8 volumes of Hun's Reports (25 to 32) as having been taken by appeal to the Court of Appeals, of which five were reversals and one a modification of the decision below. This volume 42 contains a list of 1,120 decisions cited by the court; whether cited in making the decisions not reported does not appear, but probably they were the citations in the cases reported fully or partly. In that view, if an average could be made, each of the 144 decisions rested on about eight previous decisions. Now it is probable that of the decisions in cases not thought worth reporting, few, if any, went to the Court of Appeals. Taking that for granted, it shows that the defeated parties acquiesced in the 69 reversals. Of the other cases it would require an actual count to show how many of them were reviewed by the Court of Appeals.

THE CAUSES OF THE DELAY AND UNCERTAINTY.

The best method of ascertaining the causes of delay is, as we have said, to follow the usual processes, and to discuss them as we go along. The first natural step is a complaint of the person aggrieved. By the common