the privilege of appeal must be more restricted than it is. There may be and there should be as many intermediate appellate courts as the interests of suitors require. Certain cases there are in which the Supreme Court has, by the Constitution, original jurisdiction, and therefore the appellate jurisdiction must be so limited as not to embrace, counting in the original cases, more than four hundred in all. In selecting these, the interpretation of the Federal Constitution and laws should be the chief object. Not a single question of fact should go up in any case whatever. And what is here said of the Supreme Federal Court applies with equal force to the highest appellate courts of the States. It may be well also to observe here that the labors of all appellate judges would be much relieved, if a brief statement of the objections to the judgment were required to be filed with the clerk at the time of appeal.

The foregoing observations respecting the Supreme Court of the United States lead us naturally to the other Federal Courts. The delay there is often greater than in the State courts. Federal legislation has tended latterly towards enlarging the jurisdiction and increasing the labor of the Federal judges. Whether this be wise or unwise it is not within the province of this report to discuss. But it is appropriate to the discussion to say, that in our judgment, the practice in the Federal courts within a State should be made to conform to that of the State courts, for the reason that the people and the profession should be saved the time and the trouble of studying and practicing two systems. The act of Congress of June, 1872, requires this conformity in respect of legal actions, but leaves the equitable ones to be governed by the rules framed by the Supreme Court judges. We think that the practice in the latter class of cases should be conformed so far as it may constitutionally be done to that of the State courts, in respect of equitable as well as legal actions; and furthermore, that whenever in any State the two classes are merged in one they should be merged in the same way in the Federal courts. It has been suggested, and with much force, that there should be a Code of Procedure, civil and criminal, enacted by Congress for all the Federal courts in all the States. If there were reason to hope that the adoption of such a Code, simple and direct, without unnecessary details, would lead to the adoption of one like it in the States, we should think it very desirable. But until then we think that the entire conformity of Federal to State procedure in all actions is greatly to be desired. In respect of substantive law, we think also that the act of Congress, which provided so long ago as 1789 that the laws of the several States should be rules of decision in trials at common law in the Federal courts, should be made applicable to all trials and to embrace all law not purely Federal.

The statistics of business in the Federal courts show that many of the districts are so greatly in arrear that there is a practical denial of justice. How these courts should be reconstituted we do not inquire further than to call attention to the principles we have elsewhere discussed, and to add that we think an appeal should be provided against every judgment rendered by a single Federal judge to two or more judges holding an intermediate court.

We ought not to omit mention of the courts in the District of Columbia. They are specially important because they have close relations with the administration of the Federal government. It is enough however to say here that the judicial administration of the District violates almost every principle that we have been endeavoring to establish. The courts are badly organized, their procedure is faulty, and the substantive law is uncertain and confused beyond that of any other community in the United States. Of twelve appeals in the highest court in the District, decided by the Supreme Court of the United States during the last term, seven resulted in reversals, four in affirmances, and one was dismissed.

We have so far considered only the proceedings in a law-suit of a civil character, and have paid no attention to criminal proceedings. They scarcely need special mention. The principles discussed as applicable to civil suits will apply generally to criminal ones. One measure however we recommend, and that is the appointment of a public defender wherever there is a public prosecutor.