

*THE LAW'S DELAY IN ENGLAND AND FRANCE.*

A long-suffering Chancery judge had on one occasion an opportunity of commenting, in the presence of Dickens, on the latter's strictures on delays in Chancery. Fixing his eye on the novelist in Court (who, of course, could not answer back), he informed irresponsible writers in general that the true cause of the prolongation of suits in Chancery was to be found in the perverseness of a 'parsimonious public'—who, with a population ten times greater, and litigation increased in proportion, were content to pay only the same number of judges as in the time of Edward III. There seems to be some show of reason in this judicial contention. It is not always mere wickedness of lawyers that causes the prolongation of suits. A good deal of comment has been made in the daily press on the length of the Chancery suit dating from 1740 which was the subject of an order recently. But this was merely a case of revival of a suit long dormant, claimants coming forward to prove their title to a fund in Court. It is not by any means the law's delay which is at the bottom of such proceedings as this. It is rather the exceeding, perhaps the excessive, scrupulousness with which the English law regards the sacredness of title by succession to property. In other countries the fund in Court would long since have escheated to the State as *bona vacantia*, if, indeed, it had not disappeared, with the Court itself and many other things, in a revolution.

In France a Republican constitution and a written code and a prohibition to the judges to legislate do not prevent the institution of suits based on claims dating centuries back. Not unusually, however, means are found of preventing a claimant from establishing his title against the State, which no doubt, must be disheartening to litigants with a turn for antiquarian research. It will be somewhat surprising to those who think everything in France is new to see the decision in the case of *Dame Roussel c. Gouvernement Français (succession Thiéry)* rendered in the Conseil d'Etat in August, 1891. The claim was against the Republic to a fund estimated at 640 millions of francs, dating from 1676—the days of the effulgence of the Roi Soleil.

A Frenchman, one *Sieur Jean Thiéry*, died in Venice in 1676, having among his property the considerable sum of '800,000 écus d'or Venitien à la Croix,' securely invested in the National Bank of Venice at 3 per cent interest. This sum is estimated in pre-