

out of Term are usually appointed; and when it is taken into account that it is not unusual for a single case to occupy from two to three days in argument, the consumption of a great part of the available time is explained, from other causes than the inaction or want of diligence on the part of the judges. I fear that attempts to stimulate their activity would lead to bad judgments. As they always adjudge the causes argued, the most urgent necessity is that there should be more completed arguments, which could readily be accomplished if the Bar would agree to a rule—prevailing in at least some of the United States—limiting the argument of each counsel to an hour's duration.

We have no lack of reformers, each confident in the efficacy of his scheme, and each ready with unsparing hand to sweep away what already exists. It is a matter of surprise how little that amounts to a practical facility or a tangible amelioration is really suggested. It should be borne in mind that the reconstruction of the courts, the re-arrangement of the times and places of the holding of their sessions, the fixing anew of the legal delays of procedure, add but little to the facilities of legal business. With judges well disposed and lawyers attentive to their duties, extreme delays can be avoided; although legislation and extra diligence may shorten them, great rapidity is almost impossible of attainment.

It is the fashion with many writers on this subject to draw their inspiration from France—to look to her and to her alone for precedents; but her system is evidently unsatisfactory to her own people, for it is at this moment threatened with entire revolution. However much it may be esteemed by its admirers and how suitable soever it may be to an old and settled state of society having abundant suitable material to work it, it is little applicable to our condition. In France the Judges are very numerous; this may be a necessity from the extra amount of labour their system throws upon the Judges. The Bench is recruited from men for the most part little distinguished: they receive very small salaries; many of them have private means and accept the office in great part for the position and respectability it confers. The judicial labour is so distributed that no Judge is likely to be assigned a burthen greater than he can sustain. The amount of work done by

them could not be obtained for the same money on this side of the Atlantic, nor would it be economy for us to multiply our Judges in the same proportion as theirs. I cannot think that their system would be desirable for us. I would rather look for precedents to England and to the neighbouring Republic. It will be found that the one Judge system is the rule there, except in the Appellate Courts, and that even in them the tribunals do not consist of large numbers, considering the wealth and population over which they have jurisdiction, nor have they anywhere an excessive number of Judges. Those who look especially to France for light would do well to see what France's neighbours think of her system. I might be allowed to refer to a recent publication of a very enlightened criticism on France, its people and institutions, by a German named Carl Hildebrand, where among other things the merits and defects of the French judicial system are very fairly described. We already possess much of the French system, I have no doubt that we may learn much and profit much by the study of it in its modern and improved condition; but other systems should not be overlooked, and we should approximate that which best suits our condition, without special regard to its origin.

It should not be forgotten that the substance of the matter lies in this, a certain amount of judicial work has to be performed. In what manner can this be attained with the greatest promptitude, the utmost efficiency and at the least cost? The mere facilities of procedure could be easily regulated even by the tribunals themselves without much interference by the Legislature. The re-construction of courts and terms is in itself of little account, the addition to the number of Judges is little required, provided the work be fairly distributed.

Some years ago a leading French statesman and member of the cabinet tried to have a measure passed through the Legislature, to dispense with a certain number of supernumerary judges, but being strenuously opposed by various influences, some of which can be readily imagined, he was obliged to abandon the attempt, remarking rather petulantly on the occasion: *Je vois que nous sommes dans un pays où il est plus difficile de supprimer un tribunal que de renverser un trône.* It would be remarkable if