

distance from the great city of St. Louis to where Denver serenely sits, sentinelled and begirt by the lofty and snow-clad peaks of the Rocky Mountains, is scarcely less.

"The dockets are crowded with causes, original and appellate, of great variety and importance,—civil and criminal, at law and in equity, in admiralty and in bankruptcy. And this is only typical of the condition of the other circuits. With so much work, and with so little time for deliberate and sedate consideration, mistakes must be numerous. But the fault lies not so much with the overworked judges as with the faulty system which imposes such vast labors upon them. The State judges generally are almost equally overburdened. Hence we inevitably have a constantly increasing mass of decisions, State and Federal, many of which must be erroneous, and which, while standing as precedents, bear pernicious fruits."

#### THE EARLY FRENCH BAR.

[Concluded from Page 252.]

In those days a common-place book, filled with scraps of citations from all kinds of ancient writers, on all kinds of subjects, was deemed necessary to the equipment of every advocate. Pasquier, a truly great lawyer, and an exceedingly powerful orator, was among the first to discard the sacred text at the beginning of his speeches, and to renounce the continual quotation of the olden authors. Deeply imbued with classical learning, he perceived that the proper method of imitating the classic authors was not to patch up a composition out of their disjointed sayings; that the beauty of those authors consisted in their simplicity and perspicuity, a certain ease and directness of speech by which they concealed their art, instead of parading it to public view. The innovation which he made required all of his ability to sustain it. He had a neighbor who was also a lawyer, and was devoted to the old order of things; he claimed it as a glory that he had discovered the origin of the bar in the pages of Homer, and he expressed it as his opinion that "there could be nothing more profitable than an etymological dictionary, containing the names of all the arts, and of all utensils, in Greek, Latin and French, which

would be a fountain from whence one might draw the most beautiful similitudes and comparisons which could be used, and which would be nowise common." It was thus that he expected to adorn his eloquence, by unheard-of words and phrases drawn from the dead languages, beautiful similitudes and comparisons extracted from a dictionary. Pasquier insisted with him that these citations were quite unknown to the ancients, and finally induced him for once to make a speech entirely out of his own head. Apparently he was not quite pleased with the experiment, for he afterwards told his adviser, "that that single speech had cost him more trouble than any three that he had ever pieced together by making quotations."

The habit seemed to be well-nigh incurable. It could hardly be expected that a discourse which was a mere medley, taken from various and indifferent sources, would have any very close relationship with the matter which happened to be under nominal discussion; if any connection existed, it was remote and precarious. Poggio, the Florentine historian, wrote a book on the question, "Whether, when a man is invited to dine with another, he should return his thanks to his host for the dinner, or whether the host should return thanks to his guest for the favor of his company." Doubtless it would occur to most persons that the solution of the question would depend almost wholly on the circumstances of each particular case; somewhat on the goodness of the dinner and the goodness of the company. But thus it was that scholasticism dealt with every question as a pure abstraction, leaving out all details as irrelevant matter.

It may seem wonderful to us that men could ever have made such orations, still more wonderful that men could ever have listened to them; but there is abundant evidence that they were greatly admired in their day; the absurdity of the method was neither seen nor suspected. Is the bar now unconsciously committed to practices which will be equally outworn in some coming time? If we could see them, possibly such may chance to exist. A man through political influence, or popular favor, or executive patronage, gets on the bench; he is one whose opinion has been rarely asked, and still more rarely relied upon; and which, perhaps, could not be acted on in