

regarded as an impressive reason from abstaining from any attempt to reduce it into written forms, which would at once tend to plunge it into adversity. Whatever can be done to secure this desired uniformity must be done by voluntary concerted action. The appointment made by several States during the last year of commissions designed to forward this effort affords us much encouragement."

The main address of the day was by Mr. Justice Brewer, of the U. S. Supreme Court, whose address bristled with practical suggestions and pregnant truths. In part he spoke as follows:

"The administration of justice would soon be considered a mockery if first impressions controlled every case. But greater expedition can be obtained without detracting from fullest examination and consideration. Shorten the time of process. Curtail the right of continuances. When once a case has been commenced deny to every other court the right to interfere, or take jurisdiction of any matter that can be brought by either party into the pending litigation. Limit the right of review. Terminate all review in one Appellate Court. Reverse the rule of decision in Appellate Courts, and instead of assuming that injury was done if error is shown, require the party complaining of a judgment or decree to show affirmatively not merely that some error was committed in the trial court, but also that if that error had not been committed the result must necessarily have been different. It may be said that this would make reversals very difficult to obtain.

"The end of litigation should be almost always in the trial court. Business men understand that it is best that the decisions of their committees of arbitration should be final and without any review. While some of our profession seem to think that justice is more likely to be secured if by repeated reviews in successive courts, even to the highest in the Nation, the fees of counsel can be made to equal, if not exceed, the amount in controversy between the clients. In criminal cases there should be no appeal.

I say it with reluctance, but the truth is that you can trust a jury to do justice to the accused with more safety than you can an Appellate Court to secure protection to the public by the speedy punishment of a criminal. To guard against any possible wrong to an accused a board of review and pardons might be created with power to set aside a conviction or reduce the punishment, if on the full record it appears not that a technical error has been committed, but that the defendant is not guilty or has been excessively punished.

"The truth of it is, brethren, that in our desire to perfect a system of administration, one which shall finally extract from confused masses of facts and fictions the absolute and ultimate verities, we forget that tardy justice is often gross injustice. We are putting too heavy burdens on our clients, as well as exhausting the patience of the public. Better an occasional blunder on the part of a jury or a justice of the peace than the habit of protracted litigation.

"If our profession is to maintain its prominence, it is in going to continue the great profession, that which leads and directs the movements of society, a longer course of preparatory study must be required. A better education is the great need and the most important reform. The door of admission to the bar must swing on reluctant hinges and only he be permitted to pass through who has, by continued and patient study, fitted himself for the work of a safe counselor and the place of a leader.

"I know that mere education is not all sufficient. There must be a man to be educated. It is an old and true saying that you cannot make a silk purse out of the ear of female swine. No more will any amount of study and training pour legal lore into some craniums or give that rare and blessed gift, common sense. In each separate nation as it advances in civilization more and more are differences settled and rights adjusted by the lawyer and the judge rather than by the pistol and bowie-knife: so as the world advances in civilization will differences between nations be in like manner settled