

THE FALLACY OF LOCAL TRIBUNALS.

remedying small grievances, and resolving rights of trifling import. In the present day communication with London is a matter of the utmost facility, and procedure by writ or other notification issued out of offices in the metropolis is at once the most inexpensive and most rapid method of getting the litigant parties together. Every day that diminishes the use of writs brings home to the attorneys a stronger sense of the convenience attached to that ancient system of commencing actions. The main point as against the localisation of Courts is that in proportion as you localise the administration of law, you lessen justice. Local law and bad law are convertible terms. Law is a thing not acquired once for all, as if it were an instrument warranted never to get out of order, but it is a science of unceasing development. Let the most learned and most acute of judges be taken from Westminster Hall and planted in a County Court, and in ten years he will sink below the least able of the brethren over whom he once towered. The reason why a man elevated to the Bench in Westminster Hall does not decline in knowledge, energy, and power is because the endless attrition of other intellects keeps his mind bright. Take away that instrument, and he rusts. The County Court judge has no chance. He has no Bar before him to keep up his education; he has no means, except through reports which he has little leisure and less inclination to master, of keeping himself *au courant* with the historical changes of the law, which are hourly effected by judicial decisions. It is difficult to measure the extent to which the tendencies of public opinion, the march of scientific, theoretical and moral inquiry, operate on the minds of judges and lawyers, and so by an imperceptible but steady process influence the law. All this is lost upon the local judge. By no human possibility can he get beyond the point of excellence which he had reached at the moment of his appointment. But by the great law of nature, which compels movement in one direction or another, he as surely retrogrades. As a rule, too, unless he is a remarkable man, not only his legal power but his moral nature suffers, as does the nature of all men whom circumstances have placed in isolated superiority to those with whom they have to deal. These are the common causes which go to create the complaints, neither indistinct nor unintelligible, as to the conduct of County Court judges. The system is at fault, not the men, who work well for nine-tenths of the objects for which they were appointed, but fail in the tenth, and so rise against themselves a clamour disproportionate to the real grievance. But now it is demanded that their jurisdiction shall be extended immeasurably, with the certain result that the outcry against them will find substantial justification, and that a formidable reaction will set in, so soon as the wealthier classes begin to feel where the shoe pinches.

The moment that men of landed estate, of large commercial interests, and of great social

standing, experience in their own affairs what it is to have important issues of law and fact decided by the local tribunals, it will go hard with the whole institution. It is precisely because it is desirable to preserve what is of real value in the County Courts that it is a duty to save them from their friends.

These objections, we are glad to perceive, had occurred, though in a very slender degree, to the mind that advanced the great theory of local Courts. Therefore it was proposed that the judicial staff should be increased, and that four times in the year a sort of County Courts Quarter Sessions should be held, at which some three or four judges of the adjoining districts might meet, and hold sittings in banco, and also try issues in fact reserved specially for these meetings. This scheme is fair enough, and might be adopted in some form or other with advantage at the present moment. It is certainly rather vain labour to move a judge to rescind his own ruling on a point of law, and his own finding on an issue of fact, and some plan of making such motions before a Court composed of three or four judges might well be adopted. So also there would be a chance of getting a few counsel to attend on such occasions, to the benefit of the Bench and of the suitors. But it is impossible to suppose that this balm of Gilead will suffice to heal all the diseases existing or to be engendered in the local tribunals.

Another argument which has found weight in some quarters apparently offers considerable attractions to the gentleman whose views, as expressed at Birmingham, we have endeavoured to explain and to combat. It is said that County Courts and these new quarterly Courts would be a sort of training ground for young advocates. Possibly persons whose breath would be taken away by confrontation with a Middlesex jury and a judge of the Court of Queen's Bench may control their nerves before a County Court judge. But how an arena in which bad law and indifferent manners are not absolutely unknown is to fit an advocate for more exalted struggles it is hard to see. The way to learn law and advocacy is to listen to the ablest counsel, and to note what falls from the ablest judges, and little or nothing is gained by acquiring a confidence which only makes a man rush in where angels fear to tread. There is another point not to be lightly dismissed. It is now pretty well admitted, and was very strongly put amid loud cheering at the meeting of the Bar last spring, that the petty rules and restrictions appertaining to practice on circuit might well be thrown overboard as useless cargo.

How did the ship of the profession ever come to be freighted with the burden? Because each circuit assumed to itself the airs of a petty corporation, in which the members acted on the grand principle of mutual jealousy and suspicion. Just as though all were rogues eager to circumvent their neighbours, and so had to be checked by a code of stringent regu-