

TRIBUNALS OF COMMERCE—LAW COURTS IN OHIO.

loading and despatch of vessels, the sale and resale, the warehousing, transfer, and stoppage of goods, the transactions of agents, and of others involving several liabilities. Tribunals of Commerce, with the safeguard of mercantile members, are authorised to proceed in the most summary manner, to adapt their procedure to the exigencies of each particular case, and to require the personal attendance of the parties who have been engaged in the dealing to afford such explanations as may be requisite, instead of being obliged to wait in order to have every representation to the Court, it may be said, filtered, and perhaps mystified, through a single or even double legal agency.

It seems to me to be no sufficient answer to the request of the mercantile community, that Tribunals which have for so many years shown their usefulness abroad should be introduced into this country, to assert that individuals are not agreed upon the best mode of constituting such Tribunals, or of regulating their procedure. The Committee of the House of Commons, after considering a variety of opinions, arrived at conclusions indicating how Tribunals of Commerce might be established, and the Commission has in very material points concurred in those conclusions. It may, therefore, be hoped that a measure may be framed which will meet with general acquiescence."

The reasons of Lord Penzance and of Sir Sydney H. Waterlow for not signing the Report are given below in their own words:—

I have been unable to concur in this Report, because I am not satisfied that Tribunals might not be established consisting of commercial men with adequate legal assistance, capable of settling commercial disputes in a satisfactory manner, at greater speed, and at much less cost than at present. And I think the well-known fact that in the large majority of commercial disputes the parties avoid the Courts of Law and resort to private arbitration, is strong to show the need of some such Tribunals, and a cogent reason for making the experiment.—PENZANCE.

I am unable to agree in all the recommendations of this Report, and therefore do not sign it. I feel very strongly that in a great commercial country like England, Tribunals can and ought to be established where suitors might obtain a decision on their differences more promptly, and much less expensively than in the Superior Courts, as at present constituted and regulated.

Those who support the present system of trying mercantile disputes seem to regard them all as hostile litigation, and lose sight of the fact that in the majority of cases when differences arise between merchants or traders, both parties would rejoice to obtain a prompt settlement, by a legal tribunal duly constituted, and to continue their friendly commercial relations. The present system too frequently works a denial of justice, or inflicts on the suitor a long-pending worrying law-suit, the solicitors on either side pleading in their clients' interests every technical point, and thus engendering a bitterness which destroys all future confidence, and puts an end to further mercantile dealings.

It is essential that the procedure of our Mercantile Courts (whether called Tribunals of Commerce or by any other name) should be of the simplest and most summary character, similar to that of the Tribunals of Commerce in Hamburg or in France, or before Justices of the Peace in this country, as recommended by the Select Committee of the House of Commons in 1871.

The liberty of the subject is, perhaps, more jealously guarded in this country than property. If the summary jurisdiction conferred on Justices of the Peace in criminal cases, when exercised by gentlemen who are not lawyers, gives satisfaction, it can scarcely be doubted that a similar jurisdiction in civil cases would be equally acceptable.

SYDNEY H. WATERLOW.

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[COMMUNICATED.]

It happened that the writer of this article and a legal friend found themselves lately in one of the largest and wealthiest cities in Ohio. We were strolling about the streets with that aimlessness of purpose, which belongs to sight-seers in a strange place; when we came upon a gloomy building, about which many other idlers were hanging, and which bore other unmistakeable signs of being a Court House. To a lawyer a law-court in a strange country has peculiar attractions. Most lawyers would be as eager to see Westminster Hall as Westminster Abbey, and an enforced stay in a western city might