SELECTIONS.

THE FALLACY OF LOCAL TRIBUNALS.

If the wisdom of the social Science Association were to be measured by its discussion on 'the reorganisation of our Courts, superior and local,' the interest in its proceedings would speedily be limited to those who are charmed with the sound of their own voices. To say nothing new, and to say that little badly, is less than could be expected even from the boldest usurpers of the title of *savans*. Yet the only sense on perusing the speeches delivered at Birmingham on the condition of our judicature is one of entire disappointment. To plead as they do in Chancery, to fuse law and equity, and to substitue local for central jurisdiction, are the specifics discovered by the doctrinaires of the Association. The first two propositions are good enough, but they are not new; the last is neither good nor new. It is, as we believe, an idea thoroughly considered and completely discarded by the Judicature Commission, scarcely at this date to be galvanised into a *post-mortem* activity by the most ardent and juvenile of advocates. Yet, as it has been seriously and elaborately recommended in Section B, and not combated by any subsequent debater at the meetings of the Association, it behoves us to say a few words on this proposition.

It is advanced, first, that the plaintiff should be allowed to begin his action in any local court, whatever may be the nature or amount of his claim. Second, that if the claim be below 500*l*., then the plaintiff should be compelled to begin in some local Court. On the other hand, the defendant may post an affidavit to the registrar of the local Court stating that he has a good defence and a good cause for removal. The plaintiff may reply, opposing the removal, by a counter affidavit. This is certainly a pleasant prospect to start with. A., living in Northumberland, receives a summons from the County Court of Cornwall for a demand amounting to some hundreds of pounds. Being a prudent man, he necessarily would not be content with posting an affidavit to the registrar stating an inclination to have his cause tried in London or at Newcastle, but would be driven to employ an attorney at Bodmin to watch the proceedings. The summons is also to contain in all cases a clear warning that, unless the defendant, within six clear days of the hearing, gives notice to the registrar of his intention to defend, with a statement of the grounds on which he rests his defence, the plaintiff shall be at liberty to have judgment entered up against the defendant. At present a summons must be served ten clear days before the day of hearing. The consequence is that, according to this plan, within the space of four days A. would have to find an attorney—his own resident in London, for example—and, through that attorney, to take counsel's opinion as to the grounds of his defence, to get an affidavit drawn and sworn, and to transmit all these documents in due form to Bodmin, under pain of having judgment entered up against him. The post would take two days, so that this marvellous feat would demand accomplishment in about 48 hours.

Such a scheme is so monstrous, that, if the language was not explicit, it would be only fair to suppose that grave misapprehension existed as to the meaning of the speaker. At present, if the proceedings are in the County Court, the defendont has this advantage, that the plaintiff must come into the defendant's own district; but here the words are: 'The plaintiff should have the option of suing in whatever local Court he thought fit, not being compelled to follow his debtor to any distance;' just as though to 'snap' a judgment was altogether about the most just and delightful thing known to all the legal world. If a man is sued now in the superior Courts, he has eight days to appear; then he has the breathing time afforded before delivery of the declaration; then eight days to plead, with further time as a matter of course. In most cases a defendant gets some three or four weeks in which he may prepare to meet the demand made against him. But that sort of delay is no longer to be allowed, and the defendants are to be tomahawked and scalped within four days from the service of the summons. We can almost discern in the gloom the twinkle of the eye of the tallyman at this charming proposition. But it goes beyond petty debts and the petty oppression of petty creditors, and defendants are to be fixed with judgments and executions, we suppose with proportionate rapidity, for amounts not exceeding 500*l*. Indeed, that seems to be the limit only of compulsory jurisdiction, so that it may be that the judgment may run up to thousands or even millions, unless the local judge of his own mere motion interfere for the purpose of transferring the cause to a superior Court.

We have criticised these items of the general proposition to localise the administration of justice, not so much because they go in any way to the root or principle of the thing, but rather to show how crude, unpractical, and absurd are the views which have been thus put forward. It is impossible for an association to repress persons who insist on reading papers in the several sections, but the mischief is that a fictitious importance is lent to such documents by the prestige of the society. The public, naturally unable to form as sound a judgment on the reform of the adminstration of law as on broad questions of policy, is apt to imagine that there is a virtue in the legal quackery which loudly asserts its own excellence, and that the real authorities, the staff of judges and heads of the profession, are mere adherents of a species of priestcraft. But the principle of localising justice in this country is unsound, the moment that it is carried beyond the speedy means of recovering petty debts,