

"COURT ON WHEELS."

out success. The friends of Ottawa and Mount Vernon have invariably rallied to the support of these two cities and have been able to trade off enough votes to place every such measure on file. Other legislators often had pet measures that they were anxious to put through, even at the expense of the Supreme Court.

Title Given Illinois' Highest Legal Tribunal.

DELAYS OF THE SYSTEM.

Judges and Lawyers Find No Advantage in It.

JUSTICES EVER ON THE MOVE

Views of Melville W. Fuller and Benjamin D. Magruder.

FEW CHANCES FOR CONSULTATION.

Like a traveling circus or a gypsy caravan the Supreme Court of the State of Illinois, sometimes called "The Court on Wheels," with such of its records and papers as are necessary, moves from one city to another, making the circuit of the State twice each year.

Like strolling players, playing an engagement in this city today and that tomorrow, the dignified Justices of the Supreme Court of the State of Illinois can have no home "during the season." They may have residences in this city or that city to which they may go occasionally, but they must live a good share of the time on railroad trains or in hotels.

Like the samples of a traveling salesman, the papers and opinions of the Supreme Court of the State of Illinois are shipped from place to place and follow or precede the Justices in their tours of the State.

Is this for the best interests of the people of Illinois? Is this constant traveling and knocking about in hotels conducive to that deliberation and thought that are expected of men holding such high and important positions? Is it in keeping with the dignity of the court and of the State that it represents? Is it of any benefit to lawyers or litigants?

Chief Justice Melville W. Fuller of the Supreme Court of the United States thinks not, and Chief Justice Fuller has had many years' experience at the Illinois bar.

Chief Justice Benjamin D. Magruder of the Supreme Court of Illinois thinks not, and who is in a better position to judge of the subject than Chief Justice Magruder?

No Dissenting Voice.

The other Justices of the Supreme Court of Illinois, so far as it has been possible to learn their views, think not, and they certainly ought to know how the system works.

Of 200 or 300 lawyers in the State who have been asked for their views only one has advocated "the court on wheels," and the lawyers surely know what system will give the best results.

There undoubtedly was a time in the history of Illinois when it was of benefit to have the Supreme Court meet in three different cities—Ottawa, Springfield and Mount Vernon—as it does now. In 1818, when the Constitution then adopted provided that "the judicial power of the State should be vested in a Supreme Court and such inferior courts as the Legislature might create," there was probably a good reason why the court should move about the State so as to meet attorneys and litigants half way. It was harder for attorneys and litigants to get to the court then than it is now, and furthermore the Justices had to hold Circuit Courts in the several counties then. There was less work, too, and the records were not so many or so cumbersome. The Justices were not so hurried at their ses-

sions and had not so many documents to study or so many opinions to write.

In 1841, when the number of Justices was increased to nine, there was still a reason for it. Circuit Judges had been appointed in 1824, legislated out of office in 1827, again appointed in 1835, and again legislated out of office in 1841, so their work devolved upon the Supreme Court Justices.

There may have been a reason for it in 1848, when they were again relieved of Circuit Court duties and their number reduced to three. It may have been easier and seemed more just to have the Supreme Court move occasionally than to compel litigants, with the difficulties then experienced in traveling, to come to it from distant parts of the State.

But do these reasons exist in 1893? Have they existed at any time since 1870, when under a new Constitution seven Justices were assigned to the Supreme Court? Facilities for travel have increased, and it is no longer a hardship for a lawyer to go to the Supreme Court when necessary. On the contrary, if the lawyers are to be believed, the hardship to both lawyer and client comes from the delay in getting decisions that both are awaiting, and the migratory Supreme Court system is, more than any other one thing, responsible for such delays. Justices and lawyers all agree on this.

Where Opinions Are Written.

Important cases cannot be decided upon railroad trains, and records cannot be examined and decisions written in hotels or basements of court-houses. The time in the court-rooms is entirely taken up in hearing cases and in conferences, and opinions have to wait until the Justices can get home, where they can have that seclusion that is necessary to a proper consideration of them. The law requires reasons and details that make a thoughtful examination necessary even after a decision has been reached by the full court.

There was probably a reason at one time why the Supreme Court of Wisconsin should travel from place to place, but the reason no longer exists, and the court is now held always at Madison. So it is also in Michigan, where the court sits always at Lansing; and in Indiana, where its sessions are held at Indianapolis; and in Iowa, where the court is to be found at Des Moines.

Facilities for travel are as good in Illinois as in her sister States; it is as easy for lawyers and clients to get to her courts; her records are as voluminous and as difficult to handle; as much work is required of her Justices and they are entitled to as much consideration—yet Illinois still sticks to the primordial way of doing business. The system, it is admitted by Justices and lawyers, results in delays, confusion, and sometimes conflicting opinions, detracts from the dignity of the court, the comfort of the Justices, and the convenience of the lawyers as a class. Yet Illinois still sends her Supreme Court parading about the State.

Numerous attempts have been made to consolidate the Supreme Court, but always with-



TRANSFERRING THE RECORDS.