

CHIEF JUSTICE MAGRUDER'S VIEWS.
Boss of the District of the Present System
—After Months of the Court.
(Chief Justice Benjamin D. Magruder of the

and his criticism, if he makes any, will be such as will force men to reflection."

"No good reason for the system."
"Do you know of any good reason why the Supreme Court should be delayed in doing its duty?"

"No. The Supreme Court is really a court of review, and no man looks into the record for the purpose of correcting any errors that may have produced either of the parties to the litigation. It was never intended that it should usurp the jury which is to give the facts or the trial judge who sees and hears the witnesses. Nor is it intended that any one Supreme Court Justice is to take the trial judge. The theory is that collective judgment may be less likely to err than individual judgment; that seven men by consultation and comparison of views can arrive at a more correct conclusion than can one man, who instead of looking at a record already made tries to make that record as he goes along."

"Then the delay of the Supreme Court is not caused out of its entirety?"

"How can it be? How can the collective judgment be effectively exercised under the circumstances? How can this discussion and consultation be made effective or of the value it should be when the members of the court are constantly on the jury, how delay and then transpire? Conflict of decisions would certainly cover the country if the court could be located at one place and its members could be allowed to be at that place all or a greater part of each year."

"Do you attribute the delay in deciding cases to the registry system?"

"The delay is not so much in deciding cases as it is in announcing the decisions, and the registry system, I think, is entirely responsible for the latter. After a case is decided by the full bench it is assigned to one of the Justices to prepare an opinion, as he received by law. He goes down at the end of the term, and in a few days the opinion is ready, but it is not filed then. It cannot be until the present opinion, and the attorneys parties have to wait to learn what their rights are. If the court were held always in the same place the opinion could be submitted to the other members of the court and passed upon immediately, but as things are now it must be held until the Justices come together again in some other city. If the court were located always in one place it would be practically always in session, and this would not help but result in decisions long announced court previously. It would save many with the alleged tendency to the matter of granting adjournments. The law provides that an application for a suspension in a criminal case may be made to any Justice in session, but even he presented to the full court when in session. A single Justice may be held to take the responsibility of denying a suspension when the life or death of a person being depends upon his action, preferring to grant a stay until the other members of the court can meet and consider the matter with him. If the court met always in the same place this trouble would be done away with."

"Would the consolidation of the courts at Springfield cost the State anything?"

"Not a dollar. It used to be argued that the State had valuable property located at Ottawa and Mount Vernon that would become useless by the removal of the court, but the buildings and fixtures at those places can be used by the appellate courts that now meet there. The fixtures should be kept up for their use and for the use of lawyers living in adjoining counties. There are quarters at Springfield for the court already, and there would be no extra expense there. It would be better in every way, it seems to me, to have the court held always in the same place."

Justice Wilkin's Views.

Justice David W. Wilkin did not wish to talk at any length for publication, but Justice Wilkin's views are pretty well known, and a man who is in a position to know as much about them as any one outside of Justice Wilkin himself said:

"Justice Wilkin is of the opinion that the Supreme Court of Illinois should be located at Springfield. He has said as much to my certain knowledge. With property arranged there at one place he thinks the business of the court could, with the same amount of delay by its members, be discharged with less delay in practice and more facilities for conference work. Delays are now avoided as far as possible, in session, and full conference held in every case, but frequently at the expense of the time and increased labor on the part of the individual members of the court."

"Justice Wilkin is in favor of the opinion, from what I have heard him say, that the members of the bar throughout the State should find it more convenient and satisfactory to submit their cases at one place."

Justice Alfred M. Craig, in reply to a question, said: "Whether the court should be

Illinois Supreme Court does not think that usual common lawing leads to improve its efficiency. It does not, in his opinion, make it any more convenient for lawyers and litigants, any cheaper for lawyers, or any easier for the Justices; (4) the reverse.

"The question is not whether Ottawa and Mount Vernon are suitable locations for the sessions of this court," he said. "It is not whether it is agreeable or disagreeable to the Justices to be constantly on the move. The real question is would the administration of Justice be more efficient and prompt if the court were located always in the capital of the State, and a case not just judge as to that when he knows what the present system necessitates."

"The point seems to be that in Springfield, and in May and November at Mount Vernon. In going from end to their respective homes for the sessions of the court each Justice makes twelve trips a year, or thirty-four trips for the entire court. In addition to that the Justice, probably increased from the Legislature, has grown of going home for a visit at the end of the second week of the two October sessions and of the January session at Springfield. This makes six additional trips of each Justice, or a total of forty-two for the entire court, with a grand total of 120 trips a year."

"He says for the traveling done by the Justices. It is not likely to save to expense, however. Yet the traveling that the court records do is much greater and is unaccounted for greater delays and complications."

"Take the November term at Ottawa as an illustration. The cases submitted are consolidated and heard and the Justices, then the papers and records begin their journey. They leave the court, each carrying two or three of the number of cases decided, and these books are then shipped to the respective homes of the Justices. There each Justice studies the briefs, abstracts, and records of the cases assigned to him and writes out the notes for the minutes of the court."

Records Shipped to Ottawa.

"The next session of the court is at Mount Vernon in November, and each Justice, having written out the opinions in the one session, takes his notes and takes those Ottawa records to Mount Vernon so that they may be filed and filed by the full bench."

"No," said the Chief Justice with some reservation, "you see we find the records, etc., of the Illinois Supreme Court located and shipped for a second time at Mount Vernon in November. Then, of course, they have to be packed again and shipped back to Ottawa, when they belong. This makes three trips for the papers in each case and every case includes the opinions are received. As there are six sessions of the court each year, it makes eighteen trips for the papers and records assigned to each Justice, or 180 trips in all, before the opinions are put on record. And even that is not all for those that belong to Mount Vernon and Ottawa. It is necessary for them to go to the Supreme Court reporter at Springfield, whom business it is to reach the Justices in the one office again. Twice a year they are shipped to him from Mount Vernon and twice a year they are shipped to him from Ottawa. This makes eight more trips, or a total of 240 trips for the Supreme Court records of the State of Illinois in each year."

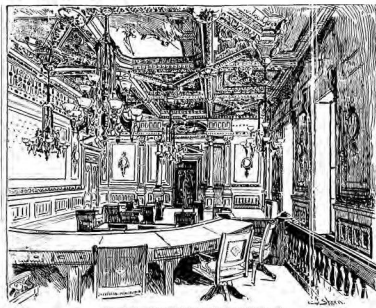
"It would be better than, in your opinion, the Supreme Court to meet always in the same place?" Chief Justice Magruder now asked.

"Certainly. Don't the facts I have cited show that it would be better? Don't you see that the Supreme Court of Illinois should be run where the facts are, where you have given me show that there are delays that need be credited to the system; that the work of the court cannot be so prompt and efficient as it would be if the court met always in one city?"

How about conflicting decisions?

"Well, the court has been twice complained of in that respect. Admitting the complaints to be just, without arguing the matter, the difficulties, if there are any, can all be met, in my opinion, by the provision of proposed solutions. One the investigation which will prevent contradictory decisions by or result as it ought to be when those times only it is to issue it are almost constantly traveling, are away from their families, accustomed with work, and anxious to finish the week, the term or set to return home. Let us give you an outline of the work of the Justices when they meet at 7 o'clock in the morning and transfer sessions until 11. From 11 till 12 and from 12 till 1 o'clock either the full bench or engaged in the conference room, and they retire to the conference room at 1 o'clock in the evening as a mark until 7 o'clock in the night. There is a long docket of rehearing cases to be considered, a long calendar of argued and not argued cases to be considered or decided, and a long list of prepared opinions to be read, discussed, and passed upon. Work which would take one week is completed in three or four."

"When the rights of men and municipalities are under consideration the discussion should be one of extension and all the conditions favorable to quiet reflection. Differences in view the economical of rapid motion. If then a case is a case submitted in a place, but 'disposed of' for a temporary purpose, with the prospect before him of having to pack up and journey on, his action is apt to be hasty."



INTERIOR OF SUPREME COURT ROOM, SPRINGFIELD, ILL.

held in one place in the State or in Illinois, an act provided by law, is a question for the Legislature, upon which I do not now wish to express an opinion."