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Mr. Jarndyce in the Twentieth Century

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that this confidence and faith may never, so far as is humanly possible, be violated.

Somewhere I have read and had burned into my mind these words:

"All true laws and all human justice are but the developments of that infinite justice which is of the essence of the deity. He who assumes to judge his brethren, clothes himself with a power like that of God. Act so that men may praise Thy moderation, Thine inflexibility, Thy equity and Thine integrity. Regard not alone the judgment of the living but seek the approval of those who shall live hereafter, whose verdict will be more just even if more severe. Woe unto thee, if being thyself unworthy, vicious or criminal, thou dost assume to judge others and still more if thou givest corrupt judgment for then will thy memory be execrated."

This might well be a creed for every judge on the Bench, and I am sure expresses their conception of their duties as such.

Mr. Jarndyce in the Twentieth Century

By WAYNE C. WILLIAMS, of The Denver Bar

IT is now 75 years since Dickens' immortal lawsuit first appeared in the pages of "Bleak House". It is the most noted lawsuit that ever was tried—in fiction—and even today the mere mention of "Jarndyce vs. Jarndyce" brings a smile of recognition to the face of every lawyer and every reader of the immortal Victorian novelist.

And who has not read him? Not to have read Dickens is to miss the best English novels that reveal the true conditions in England in the Victorian age.

Of course the book stands are groaning under the load of novels that pour out of the presses almost weekly; of course there have been literally thousands of books since Dickens wrote and yet here is literary quality that persists and—

But this is not a literary treatise; this is a purely legal document, about purely legal matters, viz: to wit: the English Chancery practice.

Since this is not a book review we cannot stop to moralize on the affairs of Richard and Ada, of Mr. Guppy and Mr. Turveydrop. We may lament the death of Jo (that masterpiece of fiction) and enjoy the whimsical doings of Mr. Skimpole—

"God save the mark",—but we cannot stop to analyze these historic characters.

There is no doubt about the inner motive that prompted Dickens to write his legal masterpiece; he set out to point the finger of ridicule at the ancient, slow English Chancery Practice and he did it with a master hand.

Dickens hated the whole system of chancery; he had hated it from the days when he studied law and droned through old English cases as a reporter; he had no stomach or taste for the law and hating the delays of the law he overlooked its vital relation to the rights of men and the security of property; he missed its logical structure, its profound relation to the growth of human society; its larger aspects in a world of law. All this the brilliant English novelist was a complete stranger to. He saw the defects of ancient chancery practice and he dipped his pen in unusually vitriolic ink and began his assault.

Nothing was ever better done. When critics, smarting under the keen satire

of Dickens, denied that he faithfully represented Chancery practice as it was in England in the forties and fifties Dickens replied in a Preface to Bleak House and came back at his critics, saying, "At the present moment there is a suit before the Court which was commenced nearly twenty years ago."

And here is the picture of Chancery in Dickens' time with some of the forty counsel and hundred or more litigants in the Jarndyce case—

The scene is old Lincoln's Inn Hall, Michaelmas Term and the counsel are pictured, as "Tripping each other up on slippery precedents, groping knee deep in technicalities****with bills, cross bills, answers, rejoinders, injunctions, affidavits, issues, references to masters, masters' reports****

"This is the Court of Chancery which has its decaying houses; and its blighted lands in every shire; which has its wornout lunatics in every mad house and its dead in every churchyard."****"which gives to moneyed might the means abundantly of wearying out the right."

It was a striking picture, a telling attack and we who now look back upon the great novelist's satirizing characterization of the abuses of his time are asking ourselves two questions:

First, did Dickens so attack and expose the abuses of the old English Chancery practice as to cause the reform in that system of jurisprudence? There is no complete answer to this question and the most authoritative commentators on English chancery reform do not give the novelist any credit therein. But we may put two facts together; that Dickens finished "Bleak House in 1853 and that in 1873 —just twenty years later—the English Chancery Act was passed which reformed procedure, and gave speed and efficiency to the work of that court. We know that Dickens hit the old English orphanage asylums a deadly blow in Oliver Twist. We know that he challenged the slums of London and the debtors prisons and many other abuses of his time.

It would seem to be a fair judgment that, whether admitted or not, Dickens roused English public opinion to whatever abuses existed in the Chancery practice of that country and was a contributing force in the great reforms in that practice.

Our other inquiry is whether Dickens' famous lawsuit is a sample or type of what we find in American chancery practice today.

The answer is emphatically in the negative. If Dickens had never written, the Chancery practice of American courts would have taken on speed and direction and efficiency in this modern, rushing practical world.

The very conditioning forces of our twentieth century civilization would have settled this matter forever; indeed, if Dickens could step in now to an American court (especially to a Colorado court) he would find no counterpart for Jarndyce vs. Jarndyce. He would find Justice more speedily given and cases more rapidly dispatched than he might ever have dreamed possible.

The Denver and Colorado courts were never so nearly up with all their dockets as right now. The Supreme Court is making a most enviable record in this regard. The whole state knows about it, too, and there is silent commendation in many quarters, a commendation that neither lawyers nor judges hear.

No one claims that all reforms have been secured. The lawyers themselves will develop those reforms—in collaboration with the bench—when new reforms are needed and they will be thought out, carefully developed, sound and valuable when they do come.