

The number of cases decided by the court in each of the last few years before 1851 did not run over eighty. In 1849, the number for the whole year was seventy-nine; in 1850, sixty-three. The decisions at the December term were much the more numerous, over four times as many as those of the June term in 1849, and over twice as many in 1850. Decisions at the June term usually ran under twenty. Small though the number decided may seem in comparison with the number decided today,²⁴ the work of the judges was felt to be heavy. For this we have a statement made by Judge Chambers in the constitutional convention of 1851. Judge Chambers sat on the court from 1834 to 1851, and was one of its strong men. He had been a United States Senator from 1826 to 1834. The daily sessions of the court, he said, were now six hours long.

To these tedious hours of daily session, must succeed afternoons and nights of devoted exertion of mind and continued confinement of body to investigate and compare authorities, confer upon arguments and form satisfactory conclusions. He had for a month together been so laboriously engaged as to prevent him from putting his head to rest upon the pillow till after midnight, and this after the fatigue of a full day's labor.

And he emphasized, as especially arduous, the labor of putting opinions together, meaning, presumably, putting them together for filing before the session adjourned. Judge Chambers was not a little sensitive to suggestions that the judges merely sat, and did no hard work. Judge Mason, in his *Life of McMahan*,²⁵ tells a story that when

24. It must be remembered that before 1850 arguments in a single case might consume four or five days.

25. Page 113.