

been since about 1700 an accumulated excess of appellate cases awaiting the chance that the court might reach them before those interested died. At the opening of the June term, 1864, there were two hundred and forty cases on the docket, and although a judge had been added to the court in that year, and an increased effort thenceforth made, the April term of 1867, during which the next constitutional convention met, had opened with a docket of one hundred and eighty-seven cases. And in a comparison with dockets of the present time, it must be remembered that in 1867 a maximum time of two hours was allowed for the argument of each counsel, and a single case could and commonly did consume more than one day of a session. One hundred and eighty-seven cases, all argued, might consume fifty weeks or more. The framers of the new constitution meant that the existing accumulation of cases should be disposed of forthwith, and that the old practice of passing over portions of dockets unheard should stop; and this purpose they made manifest in their provision of eight judges to do the work, and in the added provision that these judges should sit at least ten months in the year, if necessary, to dispose of the business. And the judges did regularly, each year for many years, sit, not ten, but nine months of almost uninterrupted sessions. From the beginning of the October term each year they sat six hours a day on five days a week until some time in the following July, with the exception of a short recess for Christmas, and one for a large part of the month of March. Just when the accumulation was over-