

*From the Augusta Constitutionalist.*

The Superior Court continues in session-- the Common and Claims Dockets have been called for the first time, and several appeal cases tried. Judge Clayton presided during a portion of the past week, in those cases where Judge Holt had been employed as counsel

while at the Bar. It is usual for Judges in our State to obtain the aid of their brethren for the adjudication of causes in which they are interested as parties, or were concerned as lawyers, and we know of no solid objection to this usage—but at no time is the absurdity and wretchedness of our system so apparent as when a Judge comes to preside out of the circuit to which he has been accustomed. "Such is the practice of my circuit," and "What is the practice of this circuit?" are phrases so frequently used, that it is evident to all, the Bench is often in the dark, and the Judge uncertain as to the rule which it is his duty to administer—This state of things reflects no discredit upon the Judge—he understands the principles and provisions of the law, both statute and common—but of the manner in which they are construed and applied in the circuit where he is a stranger, he is ignorant. Take him at his own domicile, and he is intelligent and prepared—to introduce him into a foreign circuit, and variations from his own views of the law and practice, are constantly presenting themselves to embarrass and perplex him. Judge Clayton very properly remarked upon a recent occasion, that *we have in Georgia nothing settled except it be that every thing is unsettled*; and yet in spite of the testimony of this enlightened Judge—notwithstanding Judges and Governors, of all parties, have concurred in an opinion of the defectiveness of our Judiciary—although the talented and venerable William H. Crawford made it the first act of his judicial administration to recommend a Court of Appeals—our people are attached to the present evil, and no change for the better can be effected. It is astonishing to consider how devoted are the people of Georgia to *democracy*, and how unconscious they are of that *despotism* which the provisions of the Constitution have placed upon the judgment seat. What is the fact? A Judge is *absolute* within his circuit, and *the life, liberty and property of the citizen are in his hands*.—It would seem only necessary to state this truth, to rouse a liberty-loving people to revolution and reform—but when we add that there are eight separate and independent Judges, and of course as many rules of action co-existent in the State, it is indeed a miracle that Georgians can submit to a condition of affairs which is almost intolerable. A great statesman has said, "when delusion has overspread a nation, the illumination of an angel would only increase the darkness, unless its causes were detected and exposed." What are the causes of the present infatuation, we know not—that our system is contrary to every principle of common sense and justice, we well know—but we leave it to more astute inquirers to find out why our citizens are so "in love with ruin."

While on this subject, we cannot forbear to mention a matter which certainly stands in need of legislative interference. The Constitution requires every cause except where title to real estate is involved, to be tried in the courts where the defendant resides, and it sometimes happens in consequence of the peculiar state of public opinion, that if a cause be so tried, the ends of justice cannot be accomplished. The court, to be sure, may grant a new trial as often as an erroneous verdict is returned—but such a state of things only presents in prospect an endless litigation with its formidable concomitants of labor, anxiety and expensiveness. It appears to us that the Constitution might remain inviolate, and the cause of right and equity be advanced, if in such cases a special jury were drawn and brought from a neighboring county.