

success. It is a legacy from her former masters for which Norway should be grateful. In every parish the resident householders elect, every third year, from among themselves, a person to be the Commissioner of Mutual Agreement. He must not practise law in any capacity, and his appointment is subject to the approvement of the Amtman, or highest executive officer of the district. In towns or large and populous parishes there are one or more assessors, or assistants to the Commissioner, and he has always a clerk. He holds his Court once a month within the parish, and receives a small fee of an ort (nine-pence) on entering each case. Every case or lawsuit whatsoever must pass through this preliminary Court, in which no lawyer or attorney is allowed to practise. The parties must appear personally, or by a person not professional. Each states his own case, and his statement is entered fully and to his own satisfaction in the protocol of the Commissioner, who must then endeavour to bring the parties to an agreement by proposing some middle course upon which both may agree. He acts, in short, as a private arbiter would do, and gives his opinion or judgment accordingly. If both parties agree to his finding or advice it is immediately taken to the local Court of Law, or Sorenskriver's Court, which is also held within each parish, to be sanctioned, revised as to rights of any third parties, and registered; and it has, without expense, the validity of a final decision. For instance, if a person owes a simple debt, he must be summoned by the creditor to the Court of Mutual Agreement. The debtor may explain that he cannot pay the claim in money, but will pay it in corn or goods, or against a certain time, or has counter claims which extinguish part of it. All the statements of both parties are entered fully by the Commissioner in his protocol, and to their own satisfaction. He then proposes what he conceives may suit both parties; such as a reasonable time to sell the corn or goods, or a reasonable deduction for the counter claims. If both agree the proposal is immediately registered. If one agrees, but the other does not, the party not agreeing appeals to the local or Sorenskriver's Court, which sits once, at least, in each parish in every quarter of a year; but he will have the expense of both parties to pay if the terms of agreement proposed and rejected are judged not unreasonable. In this higher Court, but which is, properly speaking, the lowest legal one, the parties appear, if they choose, by their law agents or procurators; but in this, and all the subsequent or higher Courts through which a case may be carried, nothing is received but the protocol of the Court of Mutual Agreement—no new matter, statements, or references to evidence but what stand in the Commissioner's protocol. This is the best part of the institution. It confines the lawyer to his law, and brings the facts of the case, as understood by the parties themselves, before the Court without trick or disguise. Much legal talent is expended in our Courts in cross-examining witness, brow-beating the dull and honest, involving in contradiction the equally honest of quicker temperament, and working on the personal temper of witnesses in order to bring out such an appearance of a case as may deceive the judgment of an ordinary jury. This is all a very fine display of talent, but altogether inconsistent with the substantial ends of justice. It may happen that the practiced Judge himself cannot always disentangle the truth from the contradictory statements which the ingenuity of the lawyer has tried to twist round it. All the chicanery, which is the glory, and ought to be the shame, of the British bar, is cut off by the simple Norwegian arrangement, by which the only facts admitted to proof, or to legal argument, are those stated, together with the evidence on which they rest, in this protocol."—(Laing's Residence in Norway, ch. v., pp. 144-145.)

At a later period, in a work published in 1857, Mr. Loring Brace,—when travelling through Norway, Sweden and Denmark—speaking of these Courts, says, "One of the most characteristic institutions of Norway is the Court of Compromise. It is of Danish origin. The arbiter or judge, who may be of any profession but the law, is elected in every parish by the resident property owners, once in three years. In the larger parishes he is allowed assistants. He serves for a merely nominal salary; every case whatsoever must be brought before him, but always by the parties personally; no lawyer's aid is allowed. The statements of each of the litigants is entered on the minutes of the Court, and the arbiter decides between them. If they accept his opinion as final it is brought to the Justice Court, and, if approved, entered, and becomes a legal decision. If one or the other objects to his arbitration the party objecting appeals to the Justice Court, but he will be obliged to pay the whole expenses of both litigants if the proposal of arbitration is found just and reasonable. In this Court, and henceforth in all the courts to which the case may go, the parties can employ counsel, but through them all the only evidence or statements of facts received are the minutes of the first Compromise Court."

The following is what is said of these Courts and their working in Denmark:—"These admirable Courts of Compromise, whose constitution I have already described, were established first by the Danish Government in 1755 in the West Indies, and afterwards in 1795 in Denmark itself. They have proved thoroughly successful there. In 1843 the number of cases brought before these Courts was thirty-one thousand three hundred and thirty-eight, of which twenty-one thousand five hundred and twelve were settled, two hundred and ninety-nine postponed, and nine thousand five hundred and twenty-seven referred to courts of law, where only two thousand eight hundred and seventeen were prosecuted. The fact that they have been established, and so often employed, reflects honor on both the nation and the Government."

A copy of the *Despatch* newspaper, published in January, 1866, contains the following remarks on this subject:—

"The representatives of the Chambers of Commerce who have sat in London this week have, amongst many other suggestions, put forward one of a character which commends itself to the attention of Parliament.

"We know the costliness and dilatory operation of the law on matters of commerce, and it seems hard that British merchants are not permitted to do for themselves what Frenchmen already accomplish with so much advantage to the trade of France.

"In France, Mr. Samuelson says that 'out of eighteen thousand one hundred and fifty-nine cases seven thousand seven hundred and thirty-five only went so far as trial or judgment, for no less than five thousand seven hundred and sixty-three were 'conciliated' by the Judges without any form of judgment being pronounced, and as many as four thousand six hundred and sixty-one were withdrawn, mainly through the influence of the Judges of these tribunals.