

ingrafted in the breast of every citizen of the great civilized states of to-day, that any such gross neglect or fraud in the administration of justice, as was of common occurrence some hundred years ago, would at once be rectified by the common voice or power of the people. But there are more ways of selling justice than doling it out at so much per judgment. If the aid of the enforcing hand of the law be so entrenched with costs and disbursements as to be only accessible to the rich, is that not virtually a selling of justice to those who can afford to pay for it? Is not the poor man, by these means, as thoroughly debarred his rights as in the old days of iron, when might was right, and strong-handed castled injustice rode it rough-shod over the lands of our ancestors? And making the costs of obtaining a judgment, often proverbially an uncertain one, as heavy as they are at present in Lower Canada, is a lengthening out of the reign of injustice into days of liberal and enlightened thought—when justice should be had for the asking—unworthy of a free people.

There is scarcely a practising advocate in the country who has not met with numerous instances in which poor men have been deterred from prosecuting just claims, by the large disbursements which they would be obliged to make in order to obtain a judgment against their debtor—disbursements which they would willingly make, if they were able; but which come upon them in the hour of their sorest need, and when they most require all the aid and support of the law.

"Taxes on Justice," says Dr. Heron, in his Introduction to the History of Jurisprudence, "are unjust and indefensible upon the sound principles of juridical science." Mr. Hume considered the whole machinery of government to have as its sole aim the distribution of justice, while Lord Brougham has forcibly expressed the same idea, in saying that "the end of the whole paraphernalia of king, lords, commons, army and navy, is to place twelve honest men in a jury-box."

We pay taxes, to quote again from Dr. Heron, for the security afforded by government to our properties and liberties, and it is worse than absurd to discourage, by a tax, the

very means by which an injured subject seeks redress through the laws of the realm.

In the old times every sovereign kept up his revenue as best he could, and no means seemed easier or less obnoxious to the people than a tax upon suitors. To the rude reasoners of those days nothing appeared more equitable than that he who got a right enforced should pay for it, inasmuch as he reaped the principal advantage from it. From them was hidden the fallacy in this argument which is clear to us. By courts of law, supported by public authority, and backed by public might, the rights of all are protected, and every judgment, often obtained after long contestation and great costs, is a new rivet serving to fix the rights and liberties of all. Therefore, the parties who suffer some injury to their rights ought not to defray the expense of the public justice by which they are redressed; for they are the persons who have been least benefitted by the protection of the law. As Bentham says, "the protection which the law affords them is not complete, since they have been obliged to resort to a court of justice to execute their rights and maintain them against infringement, whilst the remainder of the public have enjoyed the immunity from injury conferred by the law and its tribunals, without the inconveniences of an appeal to them."

A tax upon the administration of justice is a direct reward offered for injustice. Is it right? Is there not an inconsistency and want of sound ratiocination in this, that the same legislators should at the same time give rewards for informers, and impose taxes on justice, or, in other words, throw difficulties in the way of the legal redress for wrongs? Courts of justice should be paid for out of the general taxation, in the same way as the army and navy: for every man has as great an interest that justice should be upheld in the land as the parties actually in the case. In fact, were it possible, it would be meet that private as well as public wrongs should be settled entirely at the public expense. But this can never be; for there must always be some who make it their business to manage legal proceedings, and these, if paid by the state could not be expected to be as deeply