

## THE HERO OF ENGLISH LAW REFORM.

which saved him from personal bitterness made him sometimes unjust to whole classes, leading him to impute to bad motives what was really the result of a very natural ignorance, and to fancy that what was plain to him from his lofty tower of speculation, must be equally so to those who were toiling in the labyrinth below; for *tact* cannot exist without *contact*."

His style suffered a fatal change from the same cause. Abandoning the clear and simple style of his earlier writings, he adopted a mode of expression which caused him to be popularly regarded, to use the words of Sir William Taylor, "as a gentleman who wrote bad English and delighted in paradox." His eccentricities of style, his ignorance of other men's labours, and his appetite for flattery, provoked needless antagonism. Nor could the independence and economy of time which his strict seclusion secured, counterbalance the evil effects indicated. But in spite of all drawbacks, his work proved more immediately beneficent than perhaps that of any other writer the world has seen. Law reform is inseparably associated with his name, and the force of his exertions in that direction has not yet been exhausted.

His views on some points, which have not yet been embodied in legislative enactments, are worthy of notice. The principles of evidence he laid down have been to a great extent adopted, and if logic had its habitation in parliaments, would be carried to their logical conclusions. Bentham would not exclude any person from giving testimony, and in his opinion the reasons which he urged for the admission of the evidence of parties in civil cases, applied equally to the accused in a criminal prosecution. He would not protect witnesses against questions imputing crime, nor reject confidential communications be-

tween husband and wife, for it is not in the interest of justice to encourage wrongdoers; nor between solicitor and client, as such disclosures would prevent lawyers from lending themselves to schemes of injustice. He would have the suffering party in every case compensated, and his costs paid, if necessary, out of the public exchequer. For judicial positions he would not select successful advocates, but fill them with men specially trained for such functions. We are gradually approaching a state of things in which, as he recommended, the field of distribution of justice is local not logical, and have even advanced some steps toward making the courts accessible at every hour of the day or night; and many a vice-chancellor dragged from his dinner-table to hear an injunction motion, or magistrate roused from his slumbers to grant an order for an arrest, has recognised the beauty of the principle, that "justice should sleep only when injustice sleeps also."

The progress of law reform has been rapid since Bentham's death, and its pace shows no sign of slackening. The conclusion which Bentham's examination of the law of his day and the mode of its administration, led him to, was that the provisions of Magna Charta—"We will sell to no man, we will deny to no man, justice or right,"—had been forgotten, and that justice was "denied to nine-tenths of the people, and sold to the remaining tenth at an unconscionable price." Thanks to the labours of Bentham and of the men who received and handed on the torch of law reform, the administration of justice in our day is not open to this reproach.

"Let one devil torment the other," said my Lord Keeper Egerton to a question asked him, what should become of the broker; both broker and usurer had conspired to cot in a young gentleman.