

when once you got astride it you never knew where it would carry you. On the same topic, Mr. Justice Cave has recently observed that public policy is a branch of the law which certainly should not be extended, as judges are more to be trusted as interpreters of the law than as expounders of what is called public policy. The late Lord Bramwell (*venerabile nomen*) has also pointed out that no evidence is given in these public policy cases. "The tribunal is to say, as matter of law, that the thing is against public policy and void. How can a judge do that without evidence as to its effect and consequences?" In the present case the only hint we get of the meaning of public policy is given by our Lord Chief Justice. He thought that the dealing was against the policy of the law, because if sanctioned it would tend to make reversioners and remaindermen dilatory and negligent in looking for money elsewhere when they knew they could get it at an exorbitant rate of interest from a money-lender. It is a pity that this observation was not more developed; for as it stands it is not likely to command assent. When did it become the policy of the law to pose as a moral agent for the furtherance of care and expedition in raising the wind; and is it not the case that resort is rarely had to the money-lender until all other sources are exhausted? The next reversioner, however, who comes to the defendant is likely to be shown the door; and what will he think then of the policy of the law which prevents him from getting what, perhaps—nay, probably—he may require to enable him to encounter some overwhelming exigency?"

Another phase of the subject was before our courts, but it is the same old story of hard cases making bad law. We allude, of course, to those cases which have decided that after the maturity of a debt at a rate of interest above six per cent. only that rate can be recovered, although the parties have agreed that the debt shall bear a higher rate of interest until paid, unless the judge-invented clause, "whether before or after maturity," has been inserted, thus making a contract which the parties never intended. The law being now settled, so far as the courts are concerned, the legislature must step in to enable business men to make their own contracts, and prevent them falling into the pit which has been dug for them by soft-hearted judges, who in the attempt to prevent one injustice have committed, and enabled others to commit, a great many.