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***A REPORT ON THE 1969 TRAINING PROGRAM
FOR JUSTICES OF THE PEACE AND STIPENDIARY
MAGISTRATES IN LIBERIA***

*Held under the sponsorship of
The Honourable Supreme Court of Liberia
The United States AID Mission to Liberia
The Louis Arthur Grimes School of Law
University of Liberia*

A REPORT ON THE 1969 TRAINING PROGRAM
FOR JUSTICES OF THE PEACE AND STIPENDIARY MAGISTRATES
IN LIBERIA

Held under the sponsorship of

The Honourable Supreme Court of Liberia

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The Louis Arthur Grimes School of Law

University of Liberia

University of Liberia
Monrovia, Liberia

September, 1969

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F O R E W A R D

The Training Program has become a major project of the Law School and is increasingly becoming a program of national interest.

Magistrate and Justice of the Peace Courts occupy a unique place in our judicial system. The Magistrate Court has trial jurisdiction over extradition cases.¹ The Magistrate or Justice of the Peace also has the right to execute a preliminary examination of crimes not triable by the Magistrate or Justice of the Peace Court.² In civil cases, the Justice of the Peace or Magistrate has a tremendous responsibility to the community. The Justice of the Peace or Magistrate has such civic responsibilities as the power to perform marriages.³

There are many people who would prefer taking a case to a Justice of the Peace or Magistrate, if either of these courts has jurisdiction, than taking it to the circuit court, since the trial procedure in the former courts is less complicated, speedier and less expensive. It is therefore of major importance that these courts of the first instance be equipped with the necessary tools if they are to function efficiently and effectively. It is the purpose of the Training Program to aid in this development.

The 1969 seminar would not have been as successful as it was had it not been for the full cooperation of all who were connected with it.

¹See 1 L.C.L. tit. 8, sec. 907 et seq.

²See 1 L.C.L. tit. 8, sec. 70 et 71.

³See 1 L.C.L. tit. 10, sec. 11.

We must first of all record our thanks to our sponsors whose confidence in the Training Program remains continually firm.

We are deeply appreciative to His Honour A. Dash Wilson, Sr., Chief Justice of Liberia, Honourable Richard A. Henries, Dr. Rocheforte L. Weeks, Honourable George E. Henries and Dean J. Dossen Richards for having been kind enough to continue to serve as members of the Advisory Board of the Training Program. Their advice and cooperation have in a very substantial way contributed to the success of the Training Program.

The deep interest manifested in the Training Program by the United States AID Mission to Liberia and its Director, Mr. John A. Ulinski, requires a particular recognition. Mr. Ulinski for the past two years has shown a particular interest in the Training Program. His Mission is a major sponsor. Two-thirds of the budget for the Training Program is contributed by the United States AID Mission to Liberia. For the past two years Mr. Ulinski has always responded favourably to our invitations to participate on our programs. This year, he flew to Harper City despite the unfavourable weather conditions to witness and participate in the program at the opening ceremonies. As Mr. Ulinski is about to take up another assignment and is not expected to be present at the next seminar which is scheduled for 1970, we can assure him of our most pleasant memories and of our appreciation for the contribution he made to our program; and we wish for him and his family happiness and prosperity.

We wish to record our appreciative thanks to Superintendent and Mrs. James Anderson, the Commissioner of Harper City, and

the officials and citizens of Maryland County for the hospitality they accorded our guests and members of the team of lecturers throughout the period of the seminar.

Our deep appreciation goes to Solicitor General Nelson W. Brodrick for his masterful address at the Opening Ceremonies. His address was certainly a spark that lit the light of interest in the participants of the seminar and led it to a successful end.

We must also record our thanks to His Honour John A. Dennis for the cooperation we received from the planning stage up to the night of the closing ceremonies. We particularly appreciate the principal address he delivered at the closing ceremonies, which was highly praised.

Our thanks go also to Counsellor Faikai Gardiner, County Attorney, Maryland County, for giving the lecture in Courtroom Procedures, and to the members of the Legal Bar of Maryland County for honouring the Training Program team at a reception during the closing exercises.

Our special thanks go to Dr. Rocheforte L. Weeks, President of the University of Liberia, for the full support and cooperation which he has given to the Training Program. His presence at both the opening and closing ceremonies in Harper City manifestly bears testimony to his attachment to the implementation of the objectives of the Training Program.

We should also like to record our appreciation to Dean J. Dossen Richards for his counsel, guidance and direction without which the seminar would have not been as successful as it was.

Our appreciation goes to Mrs. Emma M. Holmes, Administrative Assistant to the Dean of the Law School, whose assistance and voluntary services have substantially contributed to the organization of the program.

The members of the faculty of the Louis Arthur Grimes School of Law who served on the lecturing staff of the seminar demonstrated a high degree of competence and efficiency and manifested the keenest interest throughout the period of the seminar. The entire program was conducted in an atmosphere of cooperation. They deserve a special word of thanks.

A word of thanks must also be given to Mr. Lawrence E. Gbenyon and his Business Office Staff for facilitating the financial arrangement of the 1969 seminar.

Last, but not least, we must record our sincere thanks and appreciation to Mr. G. Godfrey Mills, who worked until late hours in the night to type and compile the course materials.

To all those who contributed their quota, but whose names we do not specifically mention because of space, we hereby record our very warm appreciation and thanks.

Toye C. Barnard
DIRECTOR

INTRODUCTION

For the third successive year the Louis Arthur Grimes School of Law, University of Liberia, has held a two-week seminar for Justices of the Peace and Stipendiary Magistrates in pursuance of the Training Program for Justices of the Peace and Stipendiary Magistrates conceived in 1966 as a means of furthering the legal education of judges in courts of the first instance.

This program was first held in 1967, when thirty-seven Justices of the Peace and Stipendiary Magistrates from Bong, Grand Gedeh, Loffa and Nimba Counties came to the Campus of the University of Liberia for a two-week seminar. The success and progress report of the first seminar were of such an encouraging nature that the sponsors considered it feasible to have it continued. The 1968 Program involved Magistrates and Justices of the Peace from Grand Bassa, Montserrado and Grand Cape Mount Counties. The Campus of the University of Liberia was again the site of the seminar. A report of the 1968 Seminar has been prepared and is available at the Law School.

THE SITE OF THE 1969 SEMINAR

The Training Program Committee, in consultation with the Dean of the Law School and the President of the University of Liberia, decided to change the site of the 1969 seminar, primarily because the participants were to come from Maryland County. The reasons behind this decision were both economic and practical.

The economic aspect was that it would cost much less to have the lecturers and special guests, who were less than ten

in number, fly to Harper City than to have forty participants come by air from Harper to Monrovia.

The next reason, which is of a more practical nature, was to have a fuller participation by the officials and members of the local Legal Bar of the County in which the seminar was held. The climate of enthusiasm and cooperation with which the team of the Training Program was received and in which they worked justified the decision to hold the seminar in the county of the participants. The other practical reason for moving the site of the seminar to Harper City was to have a larger participation by the Magistrates and Justices of the Peace of Maryland County; for there are many of the participants who would not be willing to travel by air, especially during the rainy season when flying is not as smooth as during the dry season.

THE SPONSORS OF THE TRAINING PROGRAM

The three sponsors of the Program are: The Honourable the Supreme Court of Liberia, the United States AID Mission to Liberia, and the Louis Arthur Grimes School of Law, University of Liberia.

The sponsors of the Program continue to lend it their financial and moral support. For the 1969 Training Program, the following financial contributions were made:

The Supreme Court of Liberia	\$1,200.00
The United States AID Mission to Liberia	4,171.00
The Louis Arthur Grimes School of Law, University of Liberia	<u>1,000.00</u>
	\$6,371.00
Balance brought forward from the 1968 GOL funds to the Program	<u>1,874.26</u>
GRAND TOTAL	\$8,245.26

THE ADVISORY BOARD

The members of the Advisory Board remain unchanged in all but one respect. The passing away of the late Dean Joseph W. Garber created a vacancy which has been filled by Counsellor J. Dossen Richards, Dean of the Law School. The Advisory Board of the Training Program for Justices of the Peace and Stipendiary Magistrates is therefore constituted as follows:

The Chief Justice of Liberia
Honourable Richard A. Henriès
Dr. Rocheforte L. Weeks
Honourable George E. Henriès
Dean J. Dossen Richards

1969 EXPENSES

The expenses for the 1969 Training Program totalled \$5,926.13 (\$1,777.00 from GOL funds and \$4,149.13 from USAID funds). USAID balance of \$21.87 will be returned to USAID as stipulated in the contract. The balance of GOL funds will be utilized during the interim period in preparation for the 1970 Training Program scheduled to be held in Greenville, Sinoe County.

SELECTION OF PARTICIPANTS

The change of site for the 1969 seminar necessitated careful and methodical planning and organization in order to insure the maximum participation and success.

A committee of Instructors from the Louis Arthur Grimes School of Law in the persons of Mr. Henry Reed Cooper and Mr. Larry Eaton, headed by Mr. Toye C. Barnard, Director of the Training Program, flew by the Liberian National Airways to Harper City on May 13, 1969, for the purpose of interviewing prospective participants of the seminar. Interviews were conducted at the Administrative Building on May the 14th and 15th respectively. Thirty Magistrates and Justices of the Peace were interviewed. Among these only one Justice of the Peace was rejected by the selecting committee because he could neither read nor write.¹

Arrangement for the acquisition of the list of Magistrates and Justices of the Peace was made through the kind cooperation of His Honour John A. Dennis, Circuit Judge for the 4th Judicial Circuit, Maryland County, and with the assistance of Counsellor Faikai Gardiner, County Attorney, Maryland County.

Facilities such as transportation and the use of the Administrative Building were made available for both the interview as well as the seminar by Honourable James Anderson, Superintendent, Maryland County.

¹This Justice of the Peace, though rejected and not included on the official list, nevertheless appeared at the opening session of the seminar and insisted that his attendance would be greatly helpful to him. The committee therefore decided to admit him to the seminar.

The criteria used in selecting the participants were: (1) judicial function, (2) educational background, (3) general intelligence, and (4) interest.

It was observed that some of the participants were commissioned Justices of the Peace but had ceased to function as such because of a notice signed by the Attorney General of Liberia on June 25, 1968, which provided that "No Justice of the Peace shall be allowed to function within the Magisterial Areas of the Country except for the purpose of making affidavits and processing documents."¹ It was further observed that the Attorney General's notice did not delimit the Magisterial Areas of the various counties, and, as a result, a great degree of confusion reigns in most of the Counties, including Maryland County, as to what constitutes the Magisterial Area.

This report cannot delve deeply into the discussion of the Attorney General's notice since the subject matter does not fall directly within the vortex of the Training Program. Nevertheless, reference will be made thereto in the section of this report relating to recommendations since the consequences may ultimately affect the Training Program itself.

On the opening day of the seminar, the Magistrates and Justices of the Peace who had been selected in May appeared for registration. Among these, only two were absent. One of them, Justice of the Peace Charlie Zoko, was sick and hospitalized during the period of the seminar. The other Justice of the Peace, James K. Bedell, sent no reason for his absence.

¹See the Liberian Star, Page 1, Col. 1 (June 26, 1968). Notice signed by the Attorney General of Liberia.

Despite firm warning both at the interviews and through radio announcements that those who appeared for the first time at the opening ceremonies would not be permitted to participate eleven (11) additional Justices of the Peace and Magistrates presented themselves on the morning of July the 8th at the Administrative Building to register their names for the seminar. When they were asked why they failed to come for the interview in May, some claimed that they were prevented from coming because of the distance they had to travel; others contended that they got the news late. Still others asserted that they had no idea that a per diem allowance would be made available to them. A similar situation was also experienced during the 1967 and 1968 seminars.

This presented an embarrassing problem for the Program Committee since there was no opportunity to interview and select the late comers; this was unfair to those who had been interviewed and selected on the basis of the established criteria. Another problem which was posed was that of the financial arrangement and budget. The initial appropriation was for the per diem and transportation allowances for thirty participants only. However, it was decided to use the amount which was allocated to cover incidental expenses of the seminar to pay the per diem allowances of those who arrived late at the seminar and thus to admit them.

It would seem that a similar situation might arise at the 1970 seminar since this has been the case on the last three occasions. Ways and means to prevent future occurrences of this nature should be carefully studied.

THE PARTICIPANTS

Among the participants there were one Revenue Judge, three Stipendiary Magistrates and five Associate Magistrates.

The age group of the participants ranged from thirty to sixty years. The majority of them had no formal legal training; however, it was interesting to note a high percentage of literacy among the participants. With the exception of two,¹ all of them could read and write. Most of them had either attained an elementary education or a high school education. There was one Justice of the Peace who had completed the 12th grade. One reason for the high degree of literacy among the Justices of the Peace and Magistrates of Maryland County could be the long history of an excellent educational program for which that County is noted.

The participants of the 1969 seminar are as follows:

Revenue Judge

David F. Johnson, Sr.

Stipendiary Magistrates

James N. Jeppoe
Nathaniel B. Seton
George E. Smith

Associate Magistrates

John E. Blackmon
Edward Tumu Clark
John N. Davies
Thomas H. Dent
Edward W. Neuville

¹One was present at the May 14th and 15th interview and the other presented himself at the opening day of the seminar.

Justices of the Peace

James K. Bedell	Peter Pan
Krotey Blamo	Toe John Sorbouah
Samuel Blidi	Joseph S. Toe
Moffat M. Brown	Joseph W. Toe, Sr.
William Y. Davies	Josiah G. Toe
Perry Dibleh	John W. Twgbe
P. Grateh Dixon	Edward Weah Watkins
John K. Doyen	Matadi Wreh Wawloh
Edward Greenfield	Joseph T. Weah
Paul E. Gwagee	Samuel S. Weah
James G. Harris	J. Wodo Williams
James K. Musu	Stephen Panyin Wreh
Sunday T. Neuville	Thomas N. Wreh
Nathaniel T. Nyeme	Joseph T. Wotherson
Floe Lewis Page	S. S. Davies
Joseph E. H. Smith	Charlie Zoko

THE OPENING CEREMONIES

The director of the Training Program together with two instructors left Monrovia for Harper City on July 5, 1969, to prepare for the Opening Ceremonies. Superintendent Anderson, Judge Dennis and County Attorney Faikai Gardiner gave their fullest cooperation in making the necessary arrangements for the Opening Ceremonies. The superintendent not only made available the Administrative Building and other transportation facilities, but also provided the Cape Palmas military band for both the Opening and Closing Ceremonies. The distribution of invitations was completely handled by Judge John A. Dennis. The Local Bar Association, through the County Attorney, also cooperated with the team in the fullest measure.

The Opening Ceremonies took place at the Administrative Building in Harper City on July 8, 1969, at five o'clock p.m. Dr. Rocheforte L. Weeks, President of the University of Liberia, Mr. John A. Ulinski, Director, United States AID Mission to Liberia, and the guest speaker of the Occasion, Honourable

Nelson W. Brodrick, Solicitor General of Liberia, together with Dean Richards, flew to Harper City to participate in the Opening Ceremonies.

Solicitor General Brodrick spoke on the subject, "The Administration of Justice."¹

Mr. Ulinski spoke on the significance of the Training Program and its relationship to the development of an expert judiciary.² Later that very evening he was made an ~~honorary~~ ~~Grebo~~ ~~Paramount~~ ~~Chief~~ by the participants and members of the Maryland Bar Association.

Remarks were made by Dr. Weeks, who emphasized the importance of the Program and of the involvement of the University of Liberia in the development of legal education and the improvement of the administration of justice in Liberia.

The Program was climaxed by a reception tendered by the School of Law in honour of the participating Justices of the Peace and Magistrates. Present at the Opening Ceremonies were: The Superintendent of Maryland County, Honourable James Anderson, who gave the Welcome Address, Judge John A. Dennis of the 4th Judicial Circuit, Members of the Senate and House of Representatives, the Mayor of Harper City, Honourable Davies, and a large number of citizens and foreign residents.

CURRICULUM AND COURSE SCHEDULE

The 9th of July marked the beginning of the series of lectures which ended on the 17th instant, followed by a final examination on the morning of July the 18th. The Schedule of

¹See full text of the Solicitor General's speech in Appendix 'A'.

²See full text of Mr. Ulinski's speech in Appendix 'B'.

the courses and lecturers as well as the examination was as follows:

<u>DATE</u>	<u>TIME</u>	<u>COURSE</u>	<u>LECTURER</u>
Wednesday July 9	A.M.	Criminal Law	Dean Richards
	P.M.	Criminal Law	Dean Richards
Thursday July 10	A.M.	Criminal Law	Dean Richards
	P.M.	Moot Criminal Trial	Larry Eaton, et al.
Friday July 11	A.M.	Property	Toye Barnard
	P.M.	Property	Toye Barnard
Saturday July 12	A.M.	Torts	Timothy O'Connell
	P.M.	Torts	Timothy O'Connell
Monday July 14	A.M.	Courtroom Procedure	S. Faikai Gardiner
	P.M.	Courtroom Procedure	S. Faikai Gardiner
Tuesday July 15	A.M.	Evidence	Michael Gold
	P.M.	Jurisdiction & Mock Civil Trial	Larry Eaton
Wednesday July 16	A.M.	Contracts	Michael Pearl
	P.M.	Contracts	Michael Pearl
Thursday July 17	A.M.	Legal Method & Record Keeping	Larry Eaton
	P.M.	Judicial Ethics	Henry Reed Cooper
Friday July 18	A.M.	EXAMINATIONS	
	P.M.	Awarding of Certificates & Closing Ceremonies	

THE COURSE MATERIALS

Because of the limited number of course materials that were prepared for the 1968 Training Program, it became necessary to mimeograph and bind course materials for the 1969 seminar. Some of the stencils had been destroyed; consequently,

new stencils had to be cut. Revisions in some of the course materials were necessary as a result of the New Civil Procedure Code.¹ An example of this is that in the 1956 Code, Justices of the Peace and Stipendiary Magistrates had jurisdiction over summary ejectment cases where title is not in issue, and an appeal from a judgment of either of these courts did not operate as a stay to the enforcement of that judgment. But the New Code provides that an appeal from a judgment in either Court, in a Summary Ejectment, would operate as a stay against the enforcement of that judgment.²

This year the Training Program Committee was successful in preparing three hundred volumes of the course materials. Consequently, the expenses of the 1970 Training Program will not include the cost of mimeographing and printing of course materials, since this has already been taken care of in the 1969 budget.

Plans are being made for a further revision of the course materials after 1970 and an eventual production of an acceptable standardized text which will be printed in a more durable book form, to be used not only for seminars but as a basic reference book for Justices of the Peace and Stipendiary Magistrates.

The Committee has decided to revise the final examination form for the 1970 Seminar. Experience has revealed that the

¹The 1956 Civil Procedure Code having been repealed and replaced by the New Civil Procedure Code which came into effect March 1968, and some of the original materials being based on the said 1956 Code, some necessary revisions were made to bring the materials up to date.

²See the Civil Procedure Code § 6224.

Justices of the Peace and Magistrates perform more satisfactorily on "yes" or "no" questions than they do on exams with multiple choices. It is therefore believed that a simple "yes" or "no" answer type of examination questions should be given in the future.

The precedent established at the first two seminars to seek the participation of the National Bar Association was closely followed by the Program Committee of the 1969 seminar. The County Attorney of Maryland County, Counsellor S. Faikai Gardiner, Sr., was invited to lecture on Courtroom Procedures. The course material was given to him some days before his lecture in order for him to read through them and organize his lecture ahead of time. County Attorney Gardiner did an excellent job, and it was pleasing to note the kind of warm reception he received from the participants when he entered the room to give his lecture and the appreciation manifested by them at the close of his lecture.

Another note-worthy feature of the County Attorney's participation was that apparently there were common legal problems which were peculiarly local to the participants and their lecturer, and this occasion provided the opportunity for a free discussion of the issues.

The other lecturers consisted of faculty members of the Louis Arthur Grimes School of Law. Three of them - Mr. Larry Eaton, Mr. Timothy O'Connell and Mr. Michael Gold - are full-time Peace Corps law instructors. Mr. Michael Pearl is a part-time Peace Corps law instructor and works full-time in the legal section of the Department of National Planning and

Economic Affairs. The Liberian lecturers are: Mr. Henry Reed Cooper, a full-time faculty member and lecturer in Administrative Law; Counsellor J. Dossen Richards, Dean of the Law School and lecturer in Criminal Law, and Mr. Toye C. Barnard, Director of the Training Program and lecturer in Property Law. The Liberian faculty lecturers are members of the Liberian Bar Association.

CLOSING CEREMONIES

The Closing Ceremonies were held on July 18, 1969, at 5:30 p.m. The principal address was delivered by His Honour John A. Dennis, Resident Judge, 4th Judicial Circuit, Maryland County, who spoke on the subject: "Justice and NOT Injustice: Injustice is NOT Justice".¹

Closing remarks were made by Dr. Rocheforte L. Weeks in which he reaffirmed the University of Liberia's continued support for the Training Program and expressed satisfaction for the manner in which the 1969 seminar was conducted. In closing, he expressed the hope that the Justices of the Peace and Magistrates would benefit from their exposure to the excellent lectures they had received and thereby help to improve the administration of justice in their respective courts.

Following Dr. Weeks, Dean Richards made a few closing remarks in which he reminded the participants of the importance of the administration of justice in courts of the first instance and cited cases involving the arbitrary abuse of the Constitutional rights of persons brought before them. He ex-

¹See full text of speech marked Appendix 'C'.

pressed the hope that the seminar would contribute to the improvement of trial practices in their courts.

Certificates of Attendance were presented to thirty-six participants. Those who handed out the certificates were: Counsellor N.T.O. Milton, former member of the House of Representatives, Superintendent James Anderson, Senator Fred Gibson and Senator William V.S. Tibman, Jr.

The recipients of Certificates were:

- | | |
|-------------------------|--------------------------|
| 1. Blackmon, John E. | 19. Page, Floe Lewis |
| 2. Blamo, Krotey | 20. Pan, Peter |
| 3. Blidi, Samuel | 21. Seton, Nathaniel B.* |
| 4. Brown, Moffat M. | 22. Smith, George E. |
| 5. Clark, Edward Tumu | 23. Smith, Joseph E. |
| 6. Davies, John N. | 24. Sorbouah, Toe Joseph |
| 7. Davies, William Y. | 25. Toe, Joseph S. |
| 8. Dent, Thomas H. | 26. Toe, Joseph W., Sr. |
| 9. Dibleh, Perry | 27. Toe, Josiah G. |
| 10. Dixon, P. Grateh | 28. Tugbe, John W. |
| 11. Doyen, John K. | 29. Watkins, Edward Weah |
| 12. Greenfield, Edward | 30. Wawloh, Matadi Wreh |
| 13. Gwagee, Paul B. | 31. Weah, Joseph E. |
| 14. Jeppoe, James N. | 32. Weah, Samuel S. |
| 15. Johnson, David F. | 33. Williams, J. Wodo |
| 16. Musu, James K. | 34. Wotherson, Joseph T. |
| 17. Neuville, Edward W. | 35. Wreh, Stephen Panyin |
| 18. Nyeme, Nathaniel | 36. Wreh, Thomas N. |

* Made the highest score on the examination and received his Certificate with Honours.

AN APPRAISAL OF THE 1969 SEMINAR

The 1969 Seminar was a complete success. The citizens of Maryland County welcomed the seminar with that unbridled native hospitality characteristic of Marylanders. It was

the first time a seminar of this nature was held in that County, or anywhere outside Monrovia. A lawyer from Harper City remarked: "I wish the seminar could be held twice a year." One of the Justices of the Peace said: "I have learned so many legal principles that I never knew before the seminar."

The participants contributed in a large measure to the success of the seminar. They were punctual and regular in their attendance; they exhibited the keenest interest and demonstrated the kind of enthusiasm that were rewarding in themselves.

The lecturers on the other hand profited from the discussions and from the exposure to the wide experience of the participants as judges and older citizens.

The lectures were conducted at the most efficient level by men who possess sufficient command of the area in which they lectured. Most of the lecturers teach the same course, although on a higher level, regularly in the Law School; the County Attorney, of course, has had years of courtroom practice and is therefore well-grounded in the area which was the subject of his lecture.

The sponsors of the Training Program also manifested their interest as was evidenced by their support of the seminar from the beginning to the end.

One should perceive the feelings of gratitude and appreciation of the Magistrates and Justices of the Peace who attended the seminar. For them it was an unique achievement. For some of them, it was the first time they learned how to find the law

in the statutes and how to interpret these laws. For some, the seminar opened a new way that leads to improvement in the administration of justice.

For the sponsors, the success of the 1969 Training Program may be considered another valuable accomplishment, and a source of encouragement for its continuation. For the lecturers it presents a challenge to continue to search for improved methods of promoting legal education in Liberia and thereby fulfill the objectives of the Louis Arthur Grimes School of Law and the University of Liberia.

RECOMMENDATIONS

An assessment of the Training Program from its inception ~~indicates that it was even more successful than the last two seminars.~~ The reason for this result is easy to understand. Those responsible for this year's seminar have profited from the experience and recommendations of the previous committees. It is hoped that the 1970 seminar will extend that advantage beyond the accomplishments of this year. It is therefore mandatory to make certain recommendations in this report that will lend greater success and improvement, if implemented, to the 1970 seminar and to the training program as a whole:

1. The Training Program should be continued as a means of furthering the legal education of judges of the courts not of record and of improving the administration of justice in the Country.
2. The 1970 seminar should be held in Sinoe County. This is the only County in the Country whose Magistrates and Justices of the Peace have not been invited to participate in the program.

3. There should be a follow-up program to enable the Training Program Committee to visit the Courts of the various Magistrates and Justices of the Peace who have participated in the previous seminars and see what progress is being made in the light of the seminars. This will include the examination of the records of courts, observing the trial of a few cases, etc. A report should then be submitted by the follow-up committee on its findings at the end of the visit. The 1970 budget should include an appropriation to cover expenses of the follow-up program.
4. The present form of mixed types of examinations should be changed to a standard examination with questions answerable by a simple "yes" or "no".
5. A study should be undertaken to find means of coordinating the Training Program with the policies of the various agencies of Government, such as the Department of Justice, which are responsible for appointment and related matters governing the activities of Magistrates and Justices of the Peace.

Some of the issues to be considered in this connection are:

- a) The possibility of providing a salary (stipend) for Justices of the Peace - (in addition to costs, presently received).
 - b) An increase in stipends of Magistrates and Associate Magistrates in the various Counties.
 - c) A definition of what constitutes a "Magisterial Area" in all of the Counties.
6. An allowance should be provided to defray certain incidental expenses, such as transportation, of the Director of the Training Program.

7. The Director of the program and his Committee should continue to study ways and means of improving the Training Program.
8. Planning and budgeting should begin immediately for an effective supplemental program, continuing the present one, in all nine counties, beginning in 1971.

CONCLUSION

The initiative to upgrade the functional level of the Magistrates and Justices of the Peace Courts has been undertaken and the program is well underway. A new image of our courts of the first instance is being created. The sponsors are committed to a continuation of the program and to the achievement of the objectives for which it was conceived.

There is need for government to intensify its support for the program. One way of doing this is by considering favourably count five (5) of the Recommendations which this report contains. Another method is by giving priority to persons who have attended the Training Program Seminars, when considering applications for the post of Magistrates or Justices of the Peace.

The results that have already obtained from the Training Program bear testimony to the need of a program of this nature. The competence of our courts to judge and pass upon the rights and obligations of those who come before them for redress is of paramount importance to the effective administration of justice.

There are still a great number of miscarriages of justice and unlawful practices in our courts not of record. This may be

due to the ignorance of the law on part of the Magistrates and Justices of the Peace who sit on the bench to judge the affairs of their fellow men. Although the acts of these Justices and Magistrates are reviewable by a superior court, very often it is only after the harm is done. It is this kind of situation, which is a consequence of the lack of legal education or a poor legal background, that the Training Program is striving to dispel and thereby insure a just, legal and equitable administration of justice in our courts of the first instance.

APPENDIX 'A'

ADDRESS DELIVERED BY HONOURABLE NELSON W. BRODERICK
SOLICITOR GENERAL OF LIBERIA
ON THE OCCASION OF THE OPENING CEREMONY OF THE TRAINING SEMINAR
OF STIPENDIARY AND ASSISTANT MAGISTRATES
AND JUSTICES OF THE PEACE, CAPE PALMAS
JULY 8, 1969

Mr. Superintendent and Members of the Superintendent's Council,
Mr. President of the University of Liberia, Dean & Faculty of the
Louis Arthur Grimes School of Law, Mr. Director and Officials of
the United States AID Mission to Liberia, Magistrates and Justices
of the Peace, distinguished guests, ladies and gentlemen:

Firstly, I have been requested by His Honour A. Dash Wilson,
Sr., Chief Justice of the Honourable Supreme Court of Liberia, to
bring you greetings and felicitations on the convening of this
Training Program for Justices of the Peace and Stipendiary Magis-
trates in Maryland County, and to express his inability to be pre-
sent with us here this evening because of illness, as we all very
well know. The Chief Justice, who recently returned to Monrovia
after a protracted medical treatment in London following a fatal
car accident in Bong County in November last, during which he
sustained severe injuries, is quietly convalescing at his home in
Monrovia and wished for this Seminar abundant success.

That there is urgent need for this Training Program through-
out the Country cannot be overemphasized. Our experience has in
store ample evidence to justify this fact.

Courts of Justices of the Peace and Stipendiary Magistrates,
as you know, are Courts of the first instance - the first judicial
forum where offenders must appear to answer for their wrong-doings.
There is probably no significant difference between the Court of a

Justice of the Peace and that of a Stipendiary Magistrate except perhaps for certain trial jurisdictions in civil cases as to the sum of money involved. I quote for reference the legislation creating the position of Stipendiary Magistrates:

"The President is empowered, whenever in his discretion he shall deem it necessary and expedient, to designate Magisterial areas, the number and extent of which shall be such as he may decide. He shall appoint over each Magisterial area designated by him an official to be styled "Stipendiary Magistrate" who shall be controlled by the laws governing Justices of the Peace except as otherwise expressly provided by law."

This legislation also provides, as to the qualification of a Stipendiary Magistrate, that he "shall be a qualified lawyer."

I shall therefore crave your permission to treat these Courts in the same context, but at the same time not unmindful of the legal qualification of the Magistrates.

As I said earlier, both are Courts of the first instance with the self-same purpose - the administration of justice. The position of Justice of the Peace has existed through the centuries. In Liberia, it is a constitutional office which ipso facto underscores its importance. In England, originally, he was chosen almost exclusively from landowners - the upper class. In Liberia, any good citizens - man or woman - may be appointed Justice of the Peace. He is a public officer charged with judicial powers for preventing breaches of the peace, bringing to justice those who have violated the law, and performing marriages. But the Justice of the Peace is constantly under fire because, in the first place, he is not trained in the law. Moreover, he does not earn a salary and must depend on his fees. This has led to untold abuses -

extortion, corruption and oppression. Impelled by public opinion, the Legislature passed an Act abolishing the position of Stipendiary Magistrates, who were to receive salaries provided for in the National Budget. But this legislation was a constitutional issue which must be decided by referendum. At the time, the political climate was unfavorable and so it was stalled before it could get to the people to be ratified or rejected. Thus, this constitutional office, coeval with the founding of the Nation, has survived through the years. Our pioneer fathers had learned from experience in the land of their nativity the outstanding role of a Justice of the Peace in civil government and in the administration of justice; as a result, they brought with them the concept of this office and enshrined it in the constitution. The magnitude and importance of this office cannot, therefore, be underestimated. It is designed to keep the peace and to administer transparent justice to all alike.

The object and purpose of this Seminar, as we all realize, is for the proper and more effective administration of justice. Its importance is made manifest by the fact that the vast majority of cases heard and determined by Courts of Justices of the Peace and Stipendiary Magistrates, for some reason or the other, are never appealed, which would afford a superior Court the opportunity to review these decisions. Further, most of the party litigants in these Courts are of indigent circumstances and cannot afford an appeal. On the other hand, those who could afford an appeal are often deprived of this right by the arbitrary action of the Court in spite of the fact that in Liberia an appeal is a matter of

right. This situation has often resulted in the miscarriage of justice.

I shall therefore briefly address you on the subject, ladies and gentlemen, "THE ADMINISTRATION OF JUSTICE."

It is specifically provided that our rule of law shall be construed so as to promote the just, speedy and inexpensive determination of every action and proceeding. The administration of justice will then depend on two factors, namely, the individual and his native brain capacity. Those who administer the law must be upright men, men of unquestionable character and integrity. The object of the law is to discover the truth and to apply the remedy provided for in such cases. No one would deny that legal education promotes the efficient administration of justice. But this will depend in a large measure on the individual. There are some, unfortunately, to whom no facilities of education, however excellent, can prove useful. They are lacking in the mental capacity or in natural adaptation to the study of law. There are others who by the character of their minds to deal with legal principles and their devotion to the pursuit of law will reach distinction in spite of the disadvantages of a formal education. What is required is an honest man with fair abilities, a sense of public service and the ability to acquire a clear and accurate perception. No man certainly can evolve a mastery of the law all at once. It is a gradual process. But if we must administer the law as public servants then we must know what the law is. In our democratic society a fair knowledge of the law is a quality of good citizenship. As Justices of the Peace and Magistrates, you enjoy a pri-

vilege and opportunity heretofore unknown in the history of our nation. You have at your doors dedicated and qualified professional men from home and abroad, who have come to share with you freely their legal knowledge. The measure of your appreciation will be determined from your achievements during this Seminar as reflected in your respective Courts. One entrusted with the important task of administering justice must be earnest, with the faculties of acute and accurate perception, of seeing things as they really are, of strong logical reasoning and a high and clear sense of justice. Above all, you must be honest to yourselves and to your God, and administer justice without fear or favor. There is a Chinese proverb which says:

"An honest man will tell the truth whether he takes an Oath to do so or not, and a dishonest man will tell a lie no matter how many Oaths he takes."

Look well to the administration of justice and remember that:
"To whom much is given, much is expected."

I have reserved until now what perhaps should have come first - to salute those who saw the failures and shortcomings of our Courts of first instance and conceived the need for a Training Program, and the sponsors - the Honourable Supreme Court of Liberia, the United States AID Mission to Liberia and the Louis Arthur Grimes School of Law, University of Liberia - whose joint efforts in time, talent, energy and money have made this program a reality.

And finally, I must express my deep appreciation to the Faculty of the Law School, University of Liberia, for the opportunity to address this distinguished audience this evening. We wish for this Training Program a successful session and hope that the work

done will be made manifest in the several Courts of Justices of the Peace and Magistrates in the County of Maryland.

APPENDIX 'B'

ADDRESS DELIVERED BY MR. JOHN A. ULINSKI
DIRECTOR, UNITED STATES AID MISSION TO LIBERIA
ON THE OCCASION OF THE OPENING CEREMONY OF THE TRAINING SEMINAR
OF STIPENDIARY AND ASSISTANT MAGISTRATES
AND JUSTICES OF THE PEACE, CAPE PALMAS
JULY 8, 1969

The Republic of Liberia attained self-government in 1847 based on the great objectives of freedom, self determination, social and political justice and equality. With the passing of more than 100 years, this nation has unflinchingly and vigorously sought to extend to all peoples these principles and purposes. My remarks today are directed to reviewing the Justices of the Peace and Stipendiary Magistrates training program which my organization USAID/Liberia had joined in sponsoring with the Honourable Supreme Court of Liberia and the Louis Arthur Grimes School of Law since 1967. My specific concern is with the relationship of this program and the modernization process that is rapidly transforming Liberia's economy and society.

Since this program was initiated, a significant number of selected Justices of the Peace and Stipendiary Magistrates from Montserrado and Cape Mount Counties have participated in the two weeks training period which is now being offered in Maryland County. The purpose of this program is to develop an expert Judiciary, a body of Judges equipped with the best tools and techniques of the Judicial Craft, to serve uniformly the Liberian public as a whole. The results of prior training programs indicate that this purpose is being most satisfactorily achieved.

Because social justice is a necessary pre-condition for the sustained economic development of any country, it is truly satisfying to see Liberians of such high calibre as yourselves devoting your unselfish energies to seeing that law is upheld and justice

ensured. Your dedication to public service to assure that justice is done to all men in Liberia continues the noble tradition of former Justices of the Peace and Magistrates who placed significance on the ideals of liberty, freedom and those democratic ideals which safeguard the individual and extol his human dignity and worth.

We need not be reminded that modernization in social or economic terms can occur only where persons and property are reasonably secure. Every man should have the right to keep that which he attains by his labor and his honest endeavor if he is to have sufficient incentive to become actively involved in development.

The significance of the Judiciary as stated by your great president, Dr. W.V.S. Tubman, is "to ensure the fair application of law and justice to all men in Liberia."

A country which does not uphold basic human rights is characterized by disunity and internal conflict, situations which usually limit sustained development. The Government of Liberia, however, has since its inception championed human rights. Such an approach to equal justice before the law for all men has helped to integrate Liberia on a basis of mutual respect, tolerance and cooperation. This humane system of justice opposes the doctrine of violent and irreconcilable conflict based on distinctions among peoples. The maintenance of this system requires the continued vigilance of all citizens of Liberia, particularly the Judiciary.

History has recorded the experiences of many societies in which injustices prevailed. These societies were characterized by disunity among their people and distrust of their leaders. Such societies ultimately floundered, the victims of their unfairness and

insensitivity to the public will. The future of Liberia, however, is bright indeed. Blessed with increasingly enlightened, thoughtful, and sensitive Justices and Magistrates, Liberia is achieving one of the essential conditions for meaningful economic development: the establishment of a good society in which justice reigns for all men. I personally wish each one of you well in your training program and future Judicial endeavors.

APPENDIX 'C'

ADDRESS DELIVERED BY HIS HONOUR JOHN AFRICANUS DENNIS
RESIDENT CIRCUIT JUDGE, FOURTH JUDICIAL CIRCUIT
HARPER, MARYLAND COUNTY, R.L.
ON THE OCCASION OF THE CLOSING CEREMONY OF THE TRAINING SEMINAR
OF STIPENDIARY AND ASSISTANT MAGISTRATES
AND JUSTICES OF THE PEACE, CAPE PALMAS
JULY 18, 1969

Mr. Superintendent and Official Council, President of the University of Liberia, Dean of the Louis Arthur Grimes School of Law and Team of the Training Program, Distinguished Officials of Government, Stipendiary and Assistant Magistrates, Justices of the Peace, Ladies and Gentlemen:

For the past week now, you have been seriously engaged, receiving or acquiring instructions in the significant science and art of the administration of justice, which you expound in the line of your official duty so as to enable you to mete out transparent justice to all mankind alike.

Your minds having by now been so refreshed, it is my devout belief, and firm hope and wish, that you have resolved to perform your duty better than heretofore.

As you return to your several stations of duty of assignment with the additional explanation and knowledge attained, you will so utilize the same, so as to strengthen the confidence of the public, which includes foreigners and strangers within our borders, in our courts of justice.

On this closing day of your several sessions held here, I have been requested to address you, which it is my most pleasing and delightful duty to do, not so much because of my ability, nor do I believe this to have been the influencing factor of my appointment; but more so because of my very keen interest and personal

involvement in this undertaking, which if I remember very correctly was enunciated by His Honour A. Dash Wilson, Sr., Chief Justice of the Supreme Court of Liberia, when he took office in the year 1957; for I have on several occasions, when presiding in this as well as other circuits of our country, been commanded by him to conduct judicial seminars similar to this, consisting of Stipendiary and Assistant Magistrates and Justices of the Peace, which seminar is now a triangular or threefold project, if my understanding is correct, of the Supreme Court, U.S.A.I.D. and the University of Liberia.

Permit me to congratulate you for a job well done, so far. Already signs of progress are noticeable since this training crusade commenced about three years ago. The very numerous complaints heretofore made to me against Magistrates and Justices of the Peace have been greatly reduced. The rendition of such a useful service as this is the common duty of mankind, which is not without great sacrifice, but in the end becomes certainly rewarding, not only materially, but because generations unborn will rise up and classify you as blessed and acclaim you for such invaluable services.

The correct interpretation of the law aims at the promotion of justice, which in fine the law really is. The law must always maintain a balance between the rights of the accused and the security and safeguard of society; this is our responsibility, for which you must be trained. The law must be interpreted as to its plain and real meaning, and not according to our personal desire or individual conception or to what is desirable by anyone; as to who is right and who is wrong, in keeping with the evident intent

of the legislature and the occasion for the passage of the relevant statute; more than this, by a common yardstick of even-headed justice, accomplished by the law and the evidence of each and every given case, an understanding of which this training program is intended and geared to produce. We serve the public interest, guided by the constitution and our consciences.

The term evidence is suggestive of the credibility or truthfulness of the same. There are three kinds of truths: civil, moral and spiritual. In our law courts we make more use of civil truths than the other two, for civil truths relate to matters of judgment and for government, and in general as to what is just and equitable, whilst moral truths relate to matters of individual life in regard to companionship and social relations in general, to what is honest and right and particularly to virtues of every kind. Spiritual truths concern matters of Heaven and of the Church, and in general of faith and love for one another.

We serve as priests at the altar of justice, so sacred a shrine, and the true worshippers thereat, or fellow citizens, parties litigant, are entitled to the cool neutrality of the law, which promotes a moral purpose. As already mentioned impartial justice void of prejudice, condemning before hearing, is neither desirable nor dictated by the fine prints of the law; but rather hear from both sides before condemning or judging.

The late Prime Minister Gladstone of England has said "that the law is the greatest instrument or document ever struck of and contrived by the brain, ingenuity and hand of man, at a given time."

It is therefore most desirable and incumbent upon you and me to promote justice and not injustice, hence my theme:

JUSTICE AND NOT INJUSTICE: INJUSTICE IS NOT JUSTICE.

A striking story relating to prejudice is told of a group of American anthropologists, who visited a certain African country, investigating as well as exploring the cultures thereof. Among the several phases of this study, the question arose as to how the dead of the country were usually buried? They were answered by the tribesmen, by being cremated, except the doctors or medicine men, whose bones would not burn. When interrogated by the anthropologist as to the reason, and if this had ever been tried, they replied, no, there was no need of doing so, because they knew for certainty they would not burn.

The analogy of this story portrays the idea of prejudice, prejudging, condemning without and before hearing. In other words, arriving at a judgment, decision or conclusion of a matter with a mind already made up before and without hearing, because of hatred, ill will, old grudge or palaver, without affording the accused or party litigant his or her day in court, in total and absolute disregard of the procedural and substantive rights of the accused, thereby departing from the road of an impartial hearing and justice. This, you are called upon and urged to discontinue, if you have been doing so, as the same savours of a miscarriage of justice, which alternately is injustice and not justice.

Among the several virtues with which mankind is endowed or possessed is justice. All administrators of justice should have this as their primary objective, coupled with the grand old idea

of serving the law and seeking by every reasonable and honorable means to square the law with decency, dignity, integrity and above all justice. Remember always that the prestige of the law depends upon the confidence the citizens have in it, by the way and manner it is administered. The liberty of the citizen is paramount and exceeds the dignity of the court. Equality too is its ideal, which can only be improved and perpetuated not only by permitting or letting justice be done to all mankind alike, but by seeing to it that it is done. Have no foe to punish nor friend to favour in the administration of same.

Justice is comprised of several factors, among which are: the commutative, the distributive, the administrative and the tribunal. For the sake of brevity, I do not propose to treat each exquisitely, but in a more general way.

There are few words we make use of in our daily course of business and conversations that are limited and restricted to one meaning; and this includes the legal terms just mentioned, as they all and singularly import doing what is right and just to all mankind, whether it relates to contracts, sales or real and personal properties or whatever sort it may be. Justice, which is the end of the law, is the ideal compromise of whatever the activities may be in the community. It is the only earthly saviour of mankind. In this wise, it is color blind, status blind, sex blind and creed blind.

Justice, in the words of Webster, "Is the greatest interest of man on earth. It is the ligament which holds civilized nations together. Wherever her temples stand, and as long as it is duly

honored, there is a foundation for social security, general happiness and the improvement and progress of our race."

Beside this is the central fact that truth and justice are fundamental to an enduring social order and peace.

Equal justice to all alike is an age old problem, for which the peoples of the world have never ceased to strive and hope.

This hope was brought to fruition in part in 1215, in the royal concession of the Magna Charta in England, which declared: "To no one will we sell; to no one will we refuse or delay any right or justice."

Similarly, on the 4th of July, 1776, the great United States of America declaimed like sentiments.

History also tells us of the great day in France, inspiring in nature and circumstance, when on the 14th day of August, 1789, the National Assambly adopted the Declaration of Rights of Man. Up until this stage, France had been striving upon the threshold of democracy to abolish the feudal system and hereditary privilige. But on this date was substituted democracy, as well as justice to all alike, with the doctrine that no free man shall be deprived of his property, life or limb except by the judgment of his peers or the law of the land.

In our own land and country, on the 26th day of July 1847, our sainted fathers declared, "that no man be he foreigner or citizen shall be deprived of his property, life or limb, but by the judgment of his peers or the law of the land."

It is pertinent to point out still further, to enable you to visualize how very careful you ought to be in administering justice,

how deeply it is rooted as it goes back into the very origin of the Judeo-Christian ethic. Here, as in other aspects of equality, we derive our constitutional inspiration from the Bible: "You shall do no injustice in judgment; you shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor."

In the administration of justice, there are always two classes or sets of persons, as equally there are two grand divisions of the law; Civil and Criminal. And so there appear before us the guilty to be convicted and the innocent to be acquitted.

Examining very candidly some of the realities of the administration of justice, we see that many a time there is an invasion of the constitutional and statutory rights of the accused, which is wrong. Try to guard against this wrong. Keep uppermost your minds these legal sayings or Ten Commandments of would-be dispensers of justice:

1. Be kind.
2. Be patient.
3. Be dignified.
4. Don't take yourself too highly seriously above the liberty and rights of the accused.
5. Base all of your judgments on law and evidence and not personal feelings or the persuasion of any one.
6. Don't become obstinate or discouraged when a higher tribunal reverses your judgment.
7. Remember that there are no unimportant or short cases.
8. Don't impose too long a sentence.
9. Don't forget to make use of your common sense.
10. Pray for divine guidance in all of your trials.

When a man is accused of a crime, there are, speaking generally, four ways in which he may be relieved of punishment:

1. By the knowledge, efficiency, courage and determination of the Judge in declaring that no crime has been committed or no cause of action proven, under the applicable law. You should lose no time in fearlessly and impartially pronouncing the same, regardless of who are the parties.

2. By decision of the Prosecutor of the State not to draw up an indictment because of the absence or insufficiency of evidence. In your case, by not issuing a warrant of arrest, after a preliminary hearing which is mandatorily required as a prerequisite to the issuance thereof, where there is no magnitude or in the absence of evidence to prove the charge.

3. By an acquittal by a jury, and 4. By a pardon or commutation of the sentence by the executive - the President.

Any other means or methods made use of by you constitute injustice, which is not justice. For fairness and impartiality are the life-blood of justice; equally so, is justice the life-blood of all good government.

Listen to these words of Cumberland on this score: "All are not just, because they do no wrong; but he who will not wrong me, when he may, he is truly just."

Doubtlessly, it is conceded by the promoters of this training program that without wisdom and knowledge of the law the dispensing of justice is impossible and a mockery. It is a truism that the law ought to be and is a living, growing and changing organism, keeping abreast with this great paradoxical, complex and challenging era and life of man, which it is made to serve; as the law was made for man, and not man for the law. That judges, legislators

and lawyers are the instruments to produce these changes should enlist our cooperation in the public interest, so as to make the law more lawful and justice more just.

Injustice more or less comes about from either a wilful, wicked, arbitrary, indolent and ignorant bent and trend of mind or from a mixture of all. Burke has said that "fraud is the ready minister of injustice."

Of all of the injustices and vices which can be committed by manking, the vilest and greatest are those which go under the cloak or name of the law. Whenever one suffers injustice at the hands of a Judge or a Dispenser of Justice, let him console himself with the central and inescapable fact, that the doer is more affected, having to account for his action before the judgment bar of the God of righteousness.

Do not substitute authority and power for justice; they are inseparable and should walk together, as any court is impotent which cannot enforce its own judgment. Whatever is just is powerful; equally so, whatever is powerful should be just. Right is might, but might is not right.

As food is used to sustain the human body; so justice sustains the civil liberties, rights and privileges of the citizen, of all mankind and of the state. The law is not only wrapped up in mere theory, but action as well, and is a living force, which fashions and shapes society. Hence it is that justice, which in one hand holds the scales in which she weighs the right of man, carries in the other a sword with which she executes and exerts it. She is blind-folded not because she must be prevented or hindered in see-

ing what is right and where justice lies,.but that she may not discriminate against suitors before her, dispensing at any and all times an even-handed justice to all.