

Free Justice and Open Courts; Remedy for All Injuries.

American Jurisprudence, Constitutional Law, §326.

In most of the state Constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike.

These provisions are based largely upon the Magna Charta, chap. 40, which provides; We will sell to no man. We will not deny to any man either justice or right.

The chief purpose of the Magna Charta provision was to prohibit the King from selling justice by imposing fees on litigants through his courts and to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes.

It has been appropriately said that in a free government the doors of litigation are already wide open and must constantly remain so.

The extent of the constitutional provision has been regarded as broader than the original confines of Magna Charta, and such constitutional provision has been held to prohibit the selling of justice not merely by magistrates but by the State itself.