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REVIEW.

Defects of the English Laws and Tribunals; by George Ensor, Esq., author of National Education, National Government, Independent Man, and Principles of Morality, 1 vol. 8vo. p. 507.—Printed by Joseph Johnson, and Co., London, 1812, price 12s. English.

As page 568 of our 5th volume, our readers were introduced to the acquaintance of this author, by a critique on his National Government. He shortly afterwards published National Education, as forming a part of the plan of his preceding work, and he now publishes his treatise on a copious subject, Defects of the English Laws and Tribunals,

Unlike to many of his contemporaries, who sacrifice their leisure hours to the ignoble gratifications of the table, or to the comfortless round of the fashionable modes of stately ceremonious visiting, he employs his hours, at his residence in the County of Armagh, at least more profitably to himself, and with more true enjoyment, and his learned labours might also be useful to the community, if the depraved and corrupting fashion of the times had not almost placed an interdict on every manner of spending time so as to gain instruction and improvement, and succeeded in a considerable degree to banish utility, and sink the many in an unfeeling disregard to every thing interesting in morals and politics.

It is our aim to strive, perhaps unavailingly, to turn the attention of our countrymen to the useful, and to try to revive a taste for serious studies, by which alone man can be distinguished from his brother animals. They also can eat, and drink, and sleep, and discharge the functions of mere animal life; but on man only is conferred the noble faculty of thought, which, if he neglect to improve, he forfeits his exalted station, and voluntarily degrades himself.

In pursuance of this plan, to promote the ends of improvement, and to lay before our readers what they are to expect in the present volume, we extract the table of

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Chapter 3d is very interesting, and might be read with much advantage by the worshippers of the British Constitution, who, blind to its defects, chant, or cant only in its praise. Let the following extracts explain the author's plan.

"The English laws, like all other ancient establishments, have been praised inordinately; their errors have been palliated, and their reformation deprecated and condemned. It has been stated as usual; we cannot expect perfection; that the best system must have some blemishes; that defects are incident to all human affairs; and that in attempting to improve we may impair. These and the like vulgar antidotes to amendment are distributed by the state empirics to those who hesitate to pronounce the laws of the land as 'wisest, discreetest, best.' To others, whose heterodoxy is more violent, another sort of drug is administered from the same dispensary. A capital absurdity or glaring contradiction is noted in the English laws. Then the nostrum-mongers, like dealers in relics, offer some obsolete custom, some neglected fiction, some quasi as old as Edward the Confessor, or Canute the Dane: such are their specifics. These gleaners amidst the ruins in the wilderness should know, that though antiquities may explain the origin of some crotchets in the law, they by no means justify the continuance in modern times of errors and nonsense.

"Some assume the theme of adulation in a much higher strain, and in addition to certain juridical dogmas, as *Actus legis nemini est damnosus*, repute the English laws as super-human, as miracles of sagacity and good fortune. It has happened unfortunately for those zealots, that they not unfrequently contradict their own opinions.

"But Mr. Minchin, a barrister, and his fraternity have still stronger motives for their admiration of the English law, than the prejudices of patriotism and the prejudices of education. They behold the beauties and the deformities of the law with a lover's eye. 'The polypus of Agna,' says Horace, 'delights Balbinus.' What is unsightly to others they contemplate with pleasure. Ambiguities, delays, expenses, in their apprehension, make loveliness more lovely. No wonder then that an English lawyer should know no bounds in speaking of the English law, and that nothing in prose or poetry can reach his transport on this occasion, unless Antony's rant to Cleopatra may suggest some resemblance:

"There's no satiety of love in thee:  
Enjoy'd thou still art new: perpetual  
spring  
Is in thy arms: the ripen'd fruit but  
falls  
And blossoms rise to fill their empty'd  
place,  
And I grow rich by giving.\*

"Such is the doctrine of lawyers who plead in Westminster-hall, in the morning before the Judges, and in the evening before the Lords and Commons! Such laws! Such a constitution! they cry; and their hearers cry Hear! and gape with admiration. And observe, that he who does not respond to their litany of praise is marked as one of dark counsels, to be feared, and to be persecuted on the first occasion that malice or meanness can invent against him; while many rise to high offices, and obtain pensions and reversions, merely for importunately chanting the theme of perfect laws and most perfect constitution; and who shall dare to doubt the policy and justice of their appointment? Wo to that man who should hesitate for an instant (I speak of a few years past,) concerning the propriety of squandering four or five thousand pounds a year of the public money on Burke! on Burke the public economist, the author of the pension bill, the public pensioner. Wo to him should he dare to refute any of his sophisms concerning church and state! The dogs of law were loosed upon him, they stigmatized him rebel or atheist, and a loyal judge and a devout jury treated him as a sinner and a publican. The rule, "Whatever is, is right," the ministry transferred from the express providence of God, to the manifest thoughtlessness of man, and to the matchless absurdity and corruption of ministers and their system. Nor are these civil and ecclesiastical champions of all things executed by authority and established by law, without precedents for their conduct and opinions. The hierarchy may read in Bellarmin, that if the Pope enjoined that vices should be esteemed virtues, and virtues vices, the Christian church was obliged to believe them so. The civil ministry may quote Burke or Hobbes, the latter of whom has drawn his and their dogma into a most striking and enviable compactness: 'The civil laws are the rules of good and evil. That which the legislator has commanded, is to

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\* Dryden's All for Love."

be esteemed good ; that which he has forbid, evil ; and it is seditious to say that the knowledge of good and evil belongs to private persons.' Such has been the doctrine of Englishmen ; though more than two thousand years ago Isocrates derided the opinion of Zeno, who said, ' the same thing at the same time might be both possible and impossible ; ' and such doctrines have been in our days honoured and greatly rewarded. Indeed Burke, by asserting ' that what is morally true may be politically false, ' has added the casuistry of a Jesuit to the sophist's outrage.

" This is not my feeling, nor my philosophy. I cannot resign myself to others. I cannot say I believe what baffles all belief. I cannot praise what I consider despicable ; nor can I apprehend the merit either of credulity or hypocrisy. He who does so, seems to me to be a fit associate for that declaimer mentioned by Philostratus, who composed panegyrics on deafness and blindness.

" Let the errors, if not of all men, at least of all things, if errors be evils, be reputed as they deserve. It is a vulgar prejudice, which loves this man, whether prince or politician, or this custom or country, as tamed beasts do their keepers, as wild beasts do their haunts, merely from habit. Being irrational in its cause, it is often inhuman in its consequences. Thus the provincial Egyptians fought against each other for this crawling divinity, or for that flying god ; and the English have been distinguished by the same warlike zeal. Even now the war cry, No Popery, echoes through the agitated land.

" If we are to stagnate in the manifold evils which encompass us breast-high, till the leaders in church and state pronounce that their reform is seasonable, or even that the time is opportune to direct the public attention to such circumstances, we shall not move till the asphaltic pool in which the sinful city was absorbed becomes a paradise for innocence. No effectual amendment was ever executed by any despoisoning of men whose selfish profit or importance might be diminished by the event. With regard to our laws, those who have power to reform them decry

even a whisper to that effect ; the prejudice against amendment in all departments is universal. Ministers, civil and ecclesiastical, seem to think, that as errors and abuses accumulate round them, they strengthen their positions : like those barbarians who secure their homes by desolating their frontiers. Indeed the majority of ministers, of judges, of lawyers, and their followers, appear not to perceive that in their several walks there is any thing to be corrected. And all men in office, and who is not an officer ? have so chanted, or chattered, (for it is rather the starling's note,) our glorious constitution, our wise laws, our divine church establishment, that the people must believe what they hear eternally repeated. ' Faith, ' says St. Paul, ' comes by hearing. '

" These extravagant and uninterrupted eulogies seem to have had an innate influence on many of this country. Nor is this so very extraordinary, as Hippocrates, one not rash in his opinions, informs us, that the deformity of the people called Long-heads proceeded originally from mothers pressing length-wise the heads of their children ; and that this, which began by art, did, in course of time, become the fixed conformation of nature. How brief were their efforts, to those everlastingly employed against the intelligence of Englishmen ! The laudatory theme of church and state ranks highest among the most approved tunes of the nurse's lullaby ; its is impressed on the insignia of infancy, the rattle and primer ; sister sings it, mamma encores it, papa toasts it : in short, every one, from the last speaker from the throne to the last speaker at the last popular meeting at the ancient corporation of Garrat, adopts the same glorious petulance. As in certain nations, men, through custom derived from their barbarous ancestry, adored as gods things uncouth and pernicious ; the English, by similar prejudices, reverence the institutions of their own half-civilized, superstitious countrymen."

K.

*(To be continued.)*