

tion if they decided them according to their judgment of what was right or wrong under the circumstances, without leaving them as moot points, or undecided cases, until new statute laws (already much too much multiplied) should be made to meet them, as has not unfrequently occurred. Precedent I think, however, has been relied on a great deal too much, in our law decisions, and the constantly revolving changes in times, circumstances, people, and places, neither sufficiently attended to, nor proper scope allowed for the newer lights and opinions that are generated by the improved state of mankind.

But I have been insensibly led too far from the immediate object of this essay. Much too of the superiority which the jurisprudence of England has attained over others, (and even in this respect over that of the United States, which being founded on the same basis, and equally under the check of the public press with the English, rivals it in purity, and excels it in simplicity and despatch) is to be attributed to the judges having been made independent of the crown, and placed above all temptation of violating the integrity of "evenhanded justice"; but the chief guard against juridical oppression in England, the impenetrable shield, the bulwark not to be levelled, that is thrown over and round the rights of Englishmen, is the freedom of the press; the sturdy independence, and concise fidelity, with which reports of all law-proceedings that are in the least interesting to the public, are printed and circulated through the empire, with industry and rapidity, are the strongest checks against legal oppression, or partial judgements. Knowing that they are amenable to this public tribunal, both judges and juries are more bound by the awe they feel for this *imperium in imperio* than