inconsistency, for the law of Evidence in particular, by the use of copious cross-references. The chameleon-like application of the rules demands this. When Doe's statement, for example, regarding his tenancy of an estate, is offered in evidence, it is perfectly proper to admit it as a hearsay statement against interest, if he is shown to be deceased, or to receive it as a party's admission, if Doe is an opponent or predecessor in title, or to admit it as a possessor's verbal act, if Doe was a possessor; and it may be excluded in one ruling, from one of these points of view, and admitted in another, and excluded in a third, from another of these points of view; and yet there is no real inconsistency, nor any uncertainty, — except for those who do not know the character of their law of Evidence. For those, then, who realize these inherent possibilities in the law of Evidence (and none others should ever attempt to work with it), there is ample succor, through the mist of apparent uncertainties, if constant beacons of multiple reference be placed at every possible cross-roads. In the lack of a uniform nomenclature and of accepted catch-words for every rule, no one can anticipate all the turns of thought that may occur to each practitioner. But a great deal can by this means be done to direct the intelligent searcher to the various plausible aspects of the particular evidential fact which he desires to offer or to oppose.

The third aim of this Treatise — to furnish all the materials for ascertaining the present state of the law in each of the American jurisdictions — is something which has been undertaken, not because it is believed to be feasible in accurate completeness, but merely because it needs to be done, and therefore ought at least to be attempted. Of the particular features of the present attempt, only two of the most important need here be noted. First, under each rule (excepting those now wholly abolished, such as the general disqualification by interest), the early as well as the recent cases have been included. The judicial oblivion of many of the former has done more than anything else to create whatever there is of real uncertainty in the law. For example, in a Court on the Great Lakes, having fifty years of history, and some fourteen precedents under a certain rule, a recent opinion is found to cite two of these only, and yet to invoke needlessly half a dozen from other Courts, ignoring the round dozen of its own, — fortunately without happening to upset them. In an older Court, on the Atlantic, at about the same period, a new limitation of another rule is started, in unconscious disregard of its own prior rulings, and this modern novelty, soon followed elsewhere upon the solid authority of that Court, is set going into several other jurisdictions, and now breeds new controversy and annual uncertainty in a topic where settled peace had once reigned. The cases, then, and all the cases, should be the ultimate aim of one who would bear witness to the present state of the law.

Yet not the cases only; for a second and to-day equally vital part of the material lies in the statutes. How much our judicial law of Evidence has been overlaid and intertwined with statutes is almost incredible, until we come to take deliberate reckoning. In mere numbers, the citations of