books by diligent advocates, and cited without dates. It would be in the interest of justice if the custom was universal of including the date with every legal reference, for, next to the indestructibility of matter, seems to stand a legal precedent after it is once distinctly stated in an opinion.

Let us suppose that somewhere in seventeen hundred, or eighteen hundred and something, some unscientific man compelled to discuss a scientific subject, hurried perhaps, and, because of possible unfortunate individual experience, it may be somewhat prejudiced, also over-burdened with work or possibly with a liver somewhat out of order, writes out in an opinion some unjustified positive statement, comment, or inference, not necessarily on a strictly law question but on some phase of legal proof. In spite of the progress of science, or the progress of anything, that statement seems to stand fixed for use forevermore; it is on with tables of stone and tablets of brass.

If the statement in this old opinion is actually erroneous, unwarranted or even exaggerated, its immortality is all the more positively assured, as it becomes a beacon of hope, a floating spar, for the zealous advocate who is struggling in deep water. By its aid he cannot perhaps shew that black is white, but that it is at least streaked with gray. The statement will be quoted against other opinions, against technical experience, against scientific investigations, against logical testimony, against reasonable argument, until perhaps some great calamity, some Alexandrian catastrophe, has destroyed all of the libraries. There come trickling down through opinion law these erroneous ideas that have been used over and over again in the effort to befog, to delay and to defeat justice, and in some way they should be properly characterized and discredited in later opinions until they are effectively disposed of or rendered harmless.

The law books contain discussions of phases of a great variety of subjects connected with litigation; there is in fact no limit to the number. When the lawyer sets about preparing a brief on one of these subjects, incidental to the law, the usual practice is not to make an intensive study of the question itself, but rather simply to find in the books what has been said about it. This is not the method of science.

When scientific subjects are investigated and discussed in the law the discussion and investigation should be conducted in accordance with scientific principles and methods. The method of the law, if directed primarily to finding what has been said by someone, and strictly followed, makes no new contributions and corrects no errors. The method of science is directed to finding the fact and incidentally to determining whether what has been said on the subject is true. The law assumes that the question has been investigated, discussed and settled, while science begins with no assumption except, perhaps, that ancient pronouncements are probably wrong.

The treatment of the question of the desirability of admitting genuine writing as a standard of comparison illustrates the unfortunate method of the law. It was contended that this admission of standards would introduce interminable and confusing collateral issues and also it was argued that unfair standards might be selected. England, as we have seen, settled the question in 1854, while Connecticut and a few other American States always followed the enlightened practice now almost universal. When, however, the question was under discussion in other States, as it was for years, the