

unincorporate. No writer, however 'academic', is at liberty to introduce into the rules a uniformity which is not there, or to pretend that the existing law is the result of the conscious working out in detail of a few broad principles. As a matter of legal history it is beyond all question that the mass of law dealing with these subjects has grown up in a thoroughly haphazard way. But this, after all, might be said of other branches of law, which the genius of learned writers has now shown to be governed in the main by some intelligible general rules. To the early history of contract, for example, we may apply Maine's famous dictum that 'substantive law is secreted in the interstices of procedure'. Yet no one would now deny that the existing English law of contract is governed by principles which are on the whole both intelligible and consistently applied.

The lack of system in historical development does not, therefore, render it impossible to discover common principles in the living law of our own day; but, on the other hand, the example of such subjects as contract and tort must not lead us to assume too lightly that all parts of our law are equally amenable to systematic treatment. The answer to our question must, it is feared, be halting and inconclusive; a plain 'yes' or 'no' is impossible. The truth seems to be that we have developed a few principles which may fairly be called general, and it is due to our modern judges