

As long as lawyers delude themselves with the idea that new principles of law are discovered every decade or so, just so long will we continue to be swamped by the publishing houses with ephemeral works designed to meet the appetite for quantity instead of quality. Publishers are capitalizing our credulous acceptance of their announcements that they are giving us five thousand new principles a year, and that the law is the latest statement of the latest decision.

The fact of the matter is that the fundamental principles of the law consist of a few ideas. They are not type on paper, and are not of human origin. Were this grasped, and these ideas stated sententiously, as the Romans stated them, and were our cases decided in accordance with them, the law would grow naturally and beautifully into an harmonious whole, instead of our having, as is the case in the United States, to-day fifty jurisdictions, each warring with all the others, and with itself also.

The fact of the matter is that whatever of our "American" law to-day is fundamental was reduced to maxim form by the Romans nearly two thousand years ago. This merely amounts to saying that the ideas which express themselves through us to-day, expressed themselves through men ages ago. Ideas are always expressing themselves through human agency, as that agency is able to apprehend and express them.

Take for instance the Baconian maxim, *Verba fortius accipiuntur contra proferentem* (Every presumption is against a pleader); and its cognate maxims, *Frustra probatur quod probatum non relevat* (It is vain to prove what is not alleged); and, *De non apparentibus et non existentibus eadem est ratio* (—freely translated—Things not alleged are presumed not to exist)."

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### PAST AND PRESENT.

*By One of the Ancients.*

When John Doe and Richard Roe,  
And people of that ilk,  
Stravagued about the Courts of Law  
With gentlemen in silk;