

dition by humanity. He perceived that as man apprehended or discovered these already existing ideas and incorporated them into his statutes or cases, the resultant system of law would be founded upon the rock of justice, so that when the winds and floods came and beat upon the house, it would stand; whereas so-called human laws, not founded upon principles of justice, were like a house built upon the sand, which, when the winds and rains should come, would fall and great would be the wreck thereof.

Coke, upon the other hand conceived of law as a thing created by statute or decision. He looked upon it as entirely local, as a matter of fact of the particular Legislature or Judge considering the question at issue. He maintained that English law and custom were indigenous to English soil, and were not indebted to foreign sources.

These in the main were the differences between the two men. From these differences important results arose.

Bacon believed that the fundamental ideas of the law could be gathered and stated in the shape of maxims or principles, in small compass, perhaps with illustrative cases, explaining the field of operation of each.

Coke, on the other hand, believed in the case system. He issued his Reports, and the world has since then followed his lead, producing such a mass of reports, undigested and indigestible, that it has become well-nigh impossible to accommodate them on our shelves.

Likewise we have drifted away from Bacon's idea of establishing a few principles and basing decisions on them. Our authors for the most part refuse to cite maxims, our courts to listen to them, or our schools to teach them. The consequence is that the use of maxims is no longer understood, and instead their advocates are often derided.

Notwithstanding this general attitude, it can be demonstrated that the law can be taught from the maxims, as Bacon contended. But before such a demonstration can be made on a large scale, the attitude of the profession must change, and this change can be brought about only when the Bar understands the reasons for the present chaotic condition of the law.