

accredited names, and when the number was even, Papinion's name controlled. Later, when Accussius rose to fame, while his star remained in the ascendant, his opinion was treated as the law, in the absence of an express statute or established custom on the subject; and a statute was enacted that Dinus' opinion should stand as the law in all those cases where, on a given point, Accussius had expressed two opposite opinions. Afterwards Bartolus came into fame, and his opinion supplanted that of Accussius.

At this time, when the product of Roman juristic thought had passed its prolific and brilliant stage, the law schools of the time, the sole aim of which was to prepare practitioners, followed the trend of the times and filled the minds of their students with the "rule of thumb." The law schools of this country to-day seem to have fallen into the same decadence and, with a single exception, chained to blind precedent, seek to teach the law by the study of "selected cases"—which at best can apply fundamental principles and general rules of law in a limited degree only, dependent upon the particular facts and restricting circumstances in each particular case—instead of seeking to have their students master those fundamental principles in the various branches of American jurisprudence which must, or should, control all cases, however variant the facts; concentrate the entire time and attention of the students upon the "stupendous accumulation of judicial detritus which threatens our entire legal system with a menace that must not be underestimated," instead of endeavoring to develop in the minds of the students a comprehensive knowledge of the science of the law logically by inculcating fundamental principles and the method of their proper application to a given state of facts.

In this country a decision in a cause submitted to the highest court of a jurisdiction—state or nation—once made is as unalterable as the laws of the Medes and Persians, so far as that cause is concerned, for it is the invariable rule, in states and nation, alike, that a question once considered and decided by a final appellate court, cannot be re-examined at any subsequent stage of the same cause; such decision becomes the "law of the case" and is final, so long as the facts remain unchanged and the evidence substan-