

constantly recurring to its reason. *Ratio est anima legis.* (e) The reason and spirit of cases make law, not the letter of particular precedents. (f) The law does not consist in particular cases; but in general principles which run through the cases and govern the decision of them. (g) All doubtful points are decided by an application of general principles to the particular case. (h) It is the office of an expositor of the law to make such a construction as not only to reconcile the same author with himself; but also to remove all apparent jars and conflicts, that may be found to exist among the various reported judgments upon the same subject, so that all, if possible, may stand together. (i) It is also necessary constantly to bear in mind, that the names of things are for avoiding of confusion diligently to be observed. *Nomina si nescis, perit cognitio rerum. Et nomina si perdas, certé distinctio rerum perditur.* (j) A confusion of terms in any science tends to confound the science itself, by destroying that precision of ideas, that distinction amongst objects, which is the very groundwork of all knowledge. Therefore, without considering the weight of names, I shall look to the reasons given for the several judgments it may become necessary for me to notice and examine. (k)

A plaintiff should, in his bill, set forth, in a brief, but clear manner, all the facts and circumstances out of which those principles of equity arise, upon which he asks relief; or, as I have said, upon a former occasion, the plaintiff's case, as stated by himself, must, in substance, or in some essential bearing, have such a character as will confer jurisdiction on a Court of Chancery; it must appear to be an equitable, as contradistinguished from a mere legal cause of suit. The bill must itself shew why it was necessary, or allowable for the plaintiff to leave the ordinary legal tribunal and come into a Court of Chancery for relief. (l) For, the justice of the republic is distributed, by the constitution, into particular courts, which should not be confounded. (m) The bill may assert, that such and such principles of equity arise out of the facts stated, which entitle the plaintiff to relief; but it is for the court alone to determine how far they are applicable or correct. The case of the plaintiff, then consists merely of facts, *ex facto oritur jus.* Consequently the bill calls on the defendant to speak

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(e) Co. Litt. 394.—(f) Fisher v. Prince, 3 Burr, 1364.—(g) Rust v. Cooper, Cowp. 632.—(h) Silk v. Prime, 1 Bro. C. C. 138.—(i) The case of Fines, 3 Co. 84.—(j) Co. Litt. 86, b.—(k) Doe v. Lancashire, 5 T. R. 62.—(l) Estep v. Watkins, 1 Bland, 499.—(m) Brown v. Bradshaw, Prec. Cha. 156; 4 Inst. 71.