

The Burden

The burden of proof lies on him who asserts the fact, not on him who denies it, because from the very nature of things a negative cannot be proof.

This is the law in every court of our land.

It is also a key to winning in a court of law, for decisions courts are called upon to make are always subject to this maxim. The burden of proof is a critical issue in every dispute.

The burden is always on the person who seeks to prove his point.

The other party does not have a burden to disprove his opponent's point.

It is remarkable how few people are aware of this simple truth, yet every victory in court depends on it. If the other side says you did something wrong, you don't have to prove you didn't do it. The other side has to prove you did.

Put the burden where it ought to be.

The burden may shift from one party to the other in a dispute. For example, the first party may complain that the second party failed to pay a bill. At this point the first party has the burden to prove his point. The second party may then say he did pay the bill. At this point the second party now has the burden to prove the bill was paid. The burden may shift back and forth at various times, depending on who is claiming what, but always the burden is on the party who must prove his point.

The burden never shifts to require a party to prove the other party is wrong.

Maxims such as this protect the innocent. They are an important part of our American legal heritage. They deserve public attention and should be taught in all our schools, for by the wisdom of these maxims and the self-evident truths they teach our people are protected from adversity, and justice is preserved for all.