

he might say whether or not he objected to the judgment against him being also set aside

In the result it was held that the association was not suable, and that its secretary was not liable on the ground of privilege; consequently the judgment against the two defendants was set aside, and the judgment against the local agent remained.

As to this Lord Buckmaster, L.C., said as the judgments against the other defendants could not stand "the reason for setting aside the judgment against Wilmshurst (*the local agent*), is removed and that judgment may remain." Lord Loreburn also said: "As to the defendant Wilmshurst, it would be necessary to discharge the judgment against him, if judgment against Hadwen (*his codefendant*), were to be entered, for they were sued as joint tortfeasors," thus plainly indicating that in the opinion of these two learned lords there could properly be but one judgment in the action for the like damages against all the defendants liable. Lord Atkinson states in the dictum referred to the same principle more explicitly, and in greater detail, but Lord Parker also says: "Nothing can be clearer than that in an action for a joint tort each of the joint tortfeasors is liable for the whole damage, and that there is no contribution between them. Further, a judgment against one precludes subsequent proceedings against the other or others."

Thus, it will be seen, there was an absolute consensus of opinion that in an action against joint tortfeasors there can be but one judgment and for the like amount against all who are found liable. In the circumstances of the case before their Lordships it was not necessary to judicially decide the point and their opinions may therefore be deemed to be merely dicta; at the same time these dicta, should the occasion ever arise, may be found to be a true enunciation of the law notwithstanding the adverse opinion of the majority of the learned Judges of the Appellate Division.