old points, have to run the gauntlet of judicial criticism: how they are considered, observed upon, explained, doubted, not followed, questioned, disapproved of, impeached, and finally over-ruled, and how on the other hand they are commended, affirmed, extended and followed, it is marvellous that judges impose so much extra work on each other by extra-judicial deliverances. They seek not only to dispose of the matters in hand, but also to give their views on other points not necessary for the decision and which are commonly called *obiter dicta*—observations dropped by the way. It is amazing to look over catalogues of impugned decisions and to find how many relate to the *dicta* of discursive judges. No doubt many of these over-ruled *dicta* in the older cases proceed from the inaccurcy of the reporters. As Lord Mansfield remarked in *Saunderson* v. *Rowles*, 4 Burr. 2068, "It is impossible for any man to take down in a perfect and correct manner every *obiter* saying that may happen to fall from a judge in a long and complicated delivery of his opinion and the reasons of it." But where, as is usually the case in the country, the judge puts his reasons into writing, the blame of inaccuracy cannot be cast upon the reporter. The modern reporter cannot act on the advise given by Lord Coke "in doing wisely by omitting opinions that are delivered accidentally, and which do not conclude to the point in question" (1 Co. R. 50), for he has to print what the judge hands out. Indeed it would never do to vest such a discretion in the modern reporter, as it would in effect make him to sit in judgment on the judge —although this is what Campbell boasted he did with Lord Ellenborough's decisions at *Nisi Prius*.

The observation long ago made by Chief Justice Willes, that great mischief arises from judges giving *obiter* opinions (Willes, 666), is well founded and could be amply illustrated from Canadian examples, were any good purpose to be served thereby. Litigation is encouraged or suggested by general observations which upon examination it is found cannot be sustained. The proverbial uncertainty of the law is increased by the utterance of judicial doubts and queries and dicta which so far from settling anything contribute to the general unsettlement of what is thus agitated. All these evils exist in a more marked degree where the judges, guilty of the incaution, occupy seats in an Appellate Court and *a fortiori* in an Appellate Court of last resort.

This journal has all along deprecated the practice of each judge in an Appellate Court giving his individual views and reasons for decision upon the matter in controversy. We have before discussed this question at some length, and pointed out the mischief and disadvantages of such a course. By way of example it is only necessary to refer to some of the recent decisions of the Supreme Court of Canada. It is premature to discuss the confusion which has arisen from the decision in the famous "Great Seal" or "Queen's Counsel" case, because the text of the various judgments has not yet been officially promulgated. But one need not go beyond the last number of Duval's reports to be assured of the mischief of delivering and reporting manifold discordant judgments as representing the conclusion of the Supreme Court on cases there appealed. How notably different is their course from that which obtains in the other court of ultimate appeal for the colony (the Privy Council) where one judge alone clearly and fully gives the decision of the Court.

The main difficulty that meets one in considering some of the judgments of the Supreme Court, is upon what grounds