

On the other hand, in England, there seems to be a much greater unity of judicial opinion. Judges, pending the argument of appeals, may frequently make enquiries and interject views that on the final consideration of the case they abandon; but the judges appear to seek with greater tenacity of purpose harmonious and united results. When one does encounter a dissenting opinion it is usually not so drastic as those made in the American Courts, and the rarity with which dissenting opinions are found in England is one of the reassuring features of the greatness, stability, and learning of the English judiciary.

In the Law Reports, Appeal Cases for 1904, opinions were written in 157 cases, and in these there are only three cases in which any dissenting opinions were rendered. The principal case in which the Court was divided was the great case relating to the Scotch Church, a case which might very naturally involve a great deal of personal feeling and divergence of views, but in this case only two judges dissented; while in *Winans v. Attorney-General* one judge, Lord Lindley, differed with the majority, and in the third case, *Hunter v. Rex*, Lord James alone dissented. In L.R. [1904], 2 K.B. 227 cases are reported with only five dissents.

Imagine a Court composed of 100 judges with 51 voting one way and 49 the other. The result in such a case would be practically the same as though but one judge sat. If the propriety of the recording of judgments of almost equally divided Courts, or of Courts where the prevailing judgment is determined by the voice of one judge is admitted, we have precisely the same condition of things as though the case had been argued before and determined by a single judge. The idea of a numerous body or of a Court constituted of a number of judges is for the purpose of obtaining greater weight of judicial learning and authority in the determination of important questions. A fair illustration of what the Courts should strive to attain may be found in our prevailing jury system. A jury composed of 12 men is frequently at first equally divided. The system of trial by jury, however, does not permit of a verdict either pro or con except