

especially in Courts of final resort, is pernicious in its result; it tends to the decline of judicial authority, and weakens the confidence which the public should be encouraged to have in its highest Courts.

While there are in the different States of the Federal Union, Courts of Appeal, Supreme Courts and Courts of Errors, which are commonly supposed to be Courts of last resort, yet throughout the somewhat intricate judicial system of the forty-seven States and of the Federal Courts there is but one Court of last and final resort, that is to say, the Supreme Court of the United States. Under the Federal Constitution the judicial power of the United States is vested in one Supreme Court, and in such inferior Courts as the Congress may ordain and establish. It is evident, therefore, that what was in the minds of the framers of the Constitution was a Court as a concrete whole rather than a disintegrated number of judges. The judicial power of such a Court, pronouncing its judgment as such, would be unquestioned, whereas the purely academic opinions of a confused and dissenting number of judges leaves the matter in dispute still disputable. From the judgment of that Court there is no appeal. Its judgments comprise all that the rank, dignity and power of the word Supreme includes, for it is the one Court in the United States that is in fact and in law supreme over all others. The Supreme Court of the United States is what the House of Lords is in England and what the Cour de Cassation is in France, and it is but natural, therefore, that great weight and deference should be given to its judgments and final determinations.

Unfortunately, the public records of the judgments of some of the highest Courts in the United States do not carry out these ideas. American law reports are strewn throughout with dissenting opinions, and dissenting opinions have become so frequent that in almost any important case one is surprised not to find them; and, if fact, dissenting opinions are frequently much longer and more elaborate than the prevailing judgment of the Court, and even more logical and convincing.