this is the work which the judges themselves should do; and, unifying their conclusions so far as may be, the result should be given by one voice as the judgment of the Court.

We are speaking, of course, of supreme appellate tribunals, and no better illustration can be given of the two systems than a comparison of the reports in the House of Lords and those in the Privy Council. If the most cumbrous plan for embodying judge-decided law were to be chosen, surely the method of the Law Lords could not be improved upon. If the most scientifically precise plan were to be sought, where could one better look for a model than in the best judgments of the Privy Council (say those of Lord Kingsdown)? When considering the import of a decision in the Lords, one must always bear in mind the observation of Lord Westbury, that what is said by a Lord in moving the judgment of the House of Lords does not by any necessity enter into the judgment of the House: *Hill* v. *Evans*, Jur. N.S., p. 528. The same matter is more elaborately put by Chief Justice Whiteside in a case which gave the Irish Bench a deal of trouble: "We are admonished," he says, "that it is the very decision of the House of Lords we are to obey, and not the observations of any noble Lord in offering his opinion. Noble Lords in giving their judgment often differ from each other in their reasons; they cannot all be right in opinions which conflict. It is not, therefore, the peculiarities of individual opinion which are to be obeyed, but the judgment of the House itself:" *Mansfield* v. *Doolin*; Ir. R. 4 C.L. 29.

Our contemporary proceeds to affirm that the suppression of dissentient opinions is deceptive in itself, is unfair to dissenting judges, and is calculated to retard the progress of jurisprudence. In contravention of these positions, anything that we could say would be of little weight as compared with the views which eminent judges have left on record. Of these, two may be cited, one from an English, the other from an American source. "I very much wish," is the language of Lord Mansfield to Sir Michael Foster, "that you would not enter your protest with posterity against the unanimous opinion of the other judges.... The authorities which you cite prove strongly your position; but the construction of the majority is agreeable to justice; and therefore, suppose it wrong upon artificial reasonings of law, I think it better to leave the matter where it is. It is not *dignus vindice nodus*."

In a letter of Mr. Justice Story to Mr. Wheaton, the reporter, he writes as follows: "at the earnest suggestion (I will not call it by a stronger name), of Mr. Justice Washington, I have determined not to deliver a dissenting opinion in *Olivera* v. *The United States Ins. Co.* 3 Wheat. 183. The truth is, I was never more entirely satisfied that any decision was wrong than that this is, but Judge Washington thinks (and *very correctly*) that the habit of delivering dissenting opinions on ordinary reasons weakens the authority of the Court, and is of no public benefit."

Of what use or value is a dissenting opinion in the Supreme Court? The decision of the majority fixes the law irrevocably, and their conclusions can be modified or reversed by nothing short of legislative authority. It is urged that the minority should proclaim their views—that they should take means to let the world know that they are not to be held responsible for the error of the majority. We submit that such self-assertion is made at the expense of the Court of which the minority forms a part. So our contemporary goes on urging that even where the decision turns on a question of evidence, an injustice may result from the suppression of dissent. For example, he says, the decision of the majority may attach a serious imputation of fraud to an individual. But surely this is regarding the reports from a personal instead of a professional view-point—the fallacy which pervades the whole of the article in question. For the purpose of exculpating or mitigating the guilt of the individual, the dissent may be of consequence; but it is a mere surplusage when the question is what does such a case decide? The *Central Law Journal*, one of the best informed of our American legal exchanges, heartily endorses the views we have expressed on this subject.

The Legal News is vexed at our slighting allusion to the Lower Canadian decisions—their uncertainty and want of unanimity. But his own correspondent, "S," points the contrast between the dignified self-repression of a Story and the effusiveness of those Courts where