

*DISSENTING JUDGMENTS.*

To quote the language of a co-temporary (*Law Notes*): "the utility of the delivery of dissenting opinions by judges of a court is, to say the least, questionable; the reasons why they are written are numerous, very often interesting, more often unique, and sometimes inexplicable. The profession is prone to use them as the proverbial straw at which the drowning man will clutch; but like that straw they invariably go down with the cause in which they are used."

Speaking generally we are of the opinion expressed by Mr. Justice Pearce, of the Maryland Supreme Court, that dissenting opinions "are very often, and sometimes correctly regarded as idle, if not pernicious work. Nevertheless they are sometimes justified in order to relieve the dissenting judge from the imputation of that which, unexplained, might appear to be merely captious difference or obstinate adherence to individual opinion." Our co-temporary cites the language of a number of judges who give their reasons or excuses for giving dissenting opinions. One judge stated that he was moved by a desire to explain himself; another by reason of the magnitude of the issue involved; another because the judgment of the court below gave general surprise and was generally condemned, the decision being in his opinion rash and hasty; others (and this is a legitimate reason if the dissenting judge were right) fear of establishing vicious precedents.

We do not quarrel with the delivery of dissenting opinions in courts below, but we are strongly of the opinion that in any court that is in any sense an appellate court the judgment of the court should be pronounced as such, without giving the dissenting views of individual judges. That which is most important in the administration of law is certainty and uniformity. The delivery of dissenting judgments tends to uncertainty and promotes litigation.

The ideal plan for the preparation of judgments of a Court of Appeal would seem to be what we understand to be the one adopted by the Supreme Court of the United States. After the case has been argued the judges meet and settle what the judgment of the court should be. They then appoint one of their number to write the opinion. Copies of this opinion are sent to all the rest of the justices who concur in the judgment. They read these opinions and make what corrections and additions they