

applied when occasion shall arise to such facts as come properly ascertained before them. For here partiality can have little scope: the law is well known.' This ideal no longer exists. The law has long since ceased to be well known; and this is due to a large extent to dissentient opinions. Until judges make up their minds to agree, and among themselves are willing to lay aside their own opinion when opposed to that of the majority of their brethren, the law will never be, in the words of Judge Stephen, 'well known,' nor will the judgments of Courts of final resort receive that respect, that veneration, to which they should be justly entitled.

No one can question the learning, the ability, and the indisputably untarnished character of the judiciary of the United States, but the custom of allowing dissenting opinions is, to say the least, unsatisfactory; it is pernicious in its result and tends to unsettle principles of law. Instead of quieting disputes and permanently defining the straight, board road of justice, they demonstrate the instability of the law and how the 'House of the just is divided unto itself.' What humble layman can say he is right or wrong, when we daily behold the ablest jurists on the bench publicly disagreeing among themselves?

If we wish to avoid the decline of judicial authority we must avoid judicial dissension, judicial divergence of views, judicial discontent, judicial obstinacy: we must have a united Court and a united judgment. Judgments of the highest Courts should be their judgment pure and simple, in which all individuality of the members of the Court disappears and is absorbed in the united opinion of the Court pronounced by the judge who renders it. We might even draw a beneficent example from the highest Court in France, the Cour de Cassation, where the judges remain unknown to the public at large, and where the judgments of the Court the name of the individual members thereof never figure. The Cour de Cassation is a Court of last resort, of final appeal, but it is the Court itself which renders its final judgment, and for which the French people have the highest regard and esteem: it is not the individual