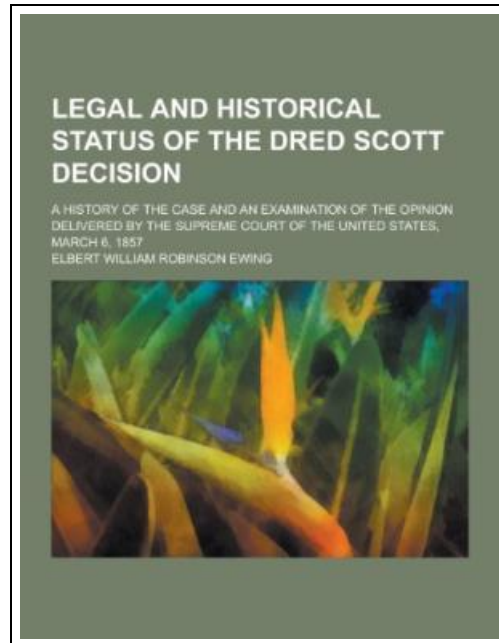


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Theclassics.us, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book \*\*\*\*\* Print on Demand \*\*\*\*\*.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1908 edition. Excerpt: . VI. OBITER DICTA AND THE OPINION. .That some part of the opinion of the court is an obiter dictum, has been widely believed since the first effort to find an excuse for repudiating the binding and conclusive force of what the court had done. Taney and the others went out of their way to deliver a series of obiter dicta, is a statement that has long been the favorite weapon with which the attempt is made to defend the North--for the great numbers therein of the same mind make it proper to speak of it as a whole-- against the nullification to which that section and the Northwest largely surrendered when the court by its famous decision blasted the legal hopes of the movement for free Territories for white people only. It is believed, as this representative writer goes on to explain, that the obiter dicta consist of personal judgments not needed or relevant for the case in hand, and therefore not law. Being told that the court had rendered judgments not law, and that the judges wilfully had gone out of their way to do so, the attack on the opinion had the desired effect and inflamed the public wrath immeasurably as a fresh aggression of the slave-power. 1 Perhaps very few of those who came to believe that the opinion rested upon so rotten a foundation, understood very definitely why or wherein the dictum is said to lie. Some of those...



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