

further appeal, makes its judgments the law of the cases it decides; but beyond the case in which it is pronounced, the opinion of that tribunal, no matter how learned, is not legally binding. Its judgment is the law of the case, but not necessarily the law of the land; if it were, the court itself could not over-rule its decisions for subsequently detected error, which we know has been done, and will continue to be done by courts as long as human nature is fallible. It is not, however, necessary to sustain the views we have adopted, to interfere with the opinion of the court, or even the dicta of that learned tribunal. Its judgment only determines the questions presented by the record of the case; and it will be seen by reference to the doctrines of the opinion, that the rectitude of the court's judgment is by no means inconsistent with an entire absence of all right in the Regents to the property they now seek through their memorial. Whether the Regents had ceased to exist as a corporation, the court tell us it was not at liberty to inquire into the form of action presented to its consideration. The court also informs us that the charter of another corporation has not been repealed, and its rights of property were therefore not passed upon, nor could they be by the court in the case decided. In fact the court nowhere assumes to decide, what property the Regents are, or *were*, entitled to. The only question directly determined is, that the Regents are entitled to recover from the Trustees all such sums of money as the Trustees may have received belonging to them, within three years before the institution of the suit. It is not decided that all the property in the hands of the Trustees, belongs to the Regents, or ever did belong to them. Besides the principles and points stated in argument and incidentally determined by the court, are not to be regarded by those most reverentially disposed to receive the dicta of courts as deliberate decisions on questions directly presented to its judgment: We yield to none in a high and proper respect for the judiciary; but we feel assured that the learned judges themselves would not desire the community, from mere reverential submission and respectful deference, to receive their dicta as uncontroversial law, particularly when they are not supported by reason and authority. The most learned judges, amongst whom we may name Marshall and Mansfield, have cautioned their readers not to be misled by the general principles they state in argument; that these are sometimes laid down too broadly, and should always be limited and restrained by reference to the subject matter immediately under adjudication; and in this prudent suggestion we have no doubt our learned judges would concur with their great predecessors. Confining the opinion of the court then to the limits which a just reference to the subject-matter of their decision would necessarily prescribe, and this we do as well in justice to the court as to the community, for judges cannot be regarded as having decided not only the case before them, but all other inci-