And still again,[15]

Had it not been that the Court of Appeals was so often literally crushed physically and mentally by the weight of long, heavy, pointless speeches and often upon questions involving neither law nor property, they would have approached with unalloyed pleasure the consideration of records which were to be elucidated by Mr. McMahon and his noble compeers.

It was still, during this period, the regular practice to decide cases at the term of argument, before adjournment of sessions; but the court could, and did, as it had always done, hold some cases under advisement; and when it did so it held them over to the succeeding terms. It did this with increasing frequency as years passed by. Whenever a case was so held under advisement, it was entered as continued, *curia advisari vult,* or more commonly, *Cur. adv. vult.*

For some time after 1806, the practice of deciding without stating or filing opinions in explanation of the decisions of the court continued. Indeed the propriety of filing an opinion was not yet beyond dispute. In a case at the June term, 1806,[16] Judge Nicholson said:

He had uniformly been of opinion, that it was improper for the court in the last resort, to assign their reasons for the final judgment. In the inferior court it was proper that they should give the reasons of their decision, because it afforded counsel an opportunity, when they came before the Court of Appeals, to show the fallacy of the reasoning of the court below, if it was fallacious. He had, therefore, on this account, always given the reasons of the court in which he presided.[17] But here there was no necessity of that kind, because the decision of the Court

15. Mason, Life of McMahon, 99 and 101.

16. Beatty v. Chapline, 2 Harris & Johnson, 26.

17. Some of Judge Nicholson's opinions were published in contemporary periodicals. See 1 Amer. Law Journal, 203, 486, 487.