

and surety, a payment of part by the surety raises no implication of a promise by the principal, so as to take the case out of the statute of limitations. The case of *Zent's Executors vs. Hart*, 8 State Rep. 337, overruled, and *Whitcomb vs. Whiting*, Doug. 627, declared to be not law in Pennsylvania. *Coleman vs. Forbes*.

*Tax*.—A professor in a college is liable to taxation, not as an officer of a corporation, but by reason of his occupation. *Union County vs. James*.

*Township—Surety*.—Where a township treasurer is re-elected for a second year, with a balance of funds of the previous year in his hands, his surety for the second year is responsible for the proper administration of that balance, as well as for the moneys received by him during the second year. *Wilson vs. The School Directors of Elizabeth*.

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#### NOTICES OF NEW BOOKS.

Hallucinations; or the Rational History of Apparitions, &c., by A. Brierre De Boismont. Philadelphia: Lindsay and Blakiston, 1853.

This work is constructed on a principle calculated to make it both popular to the general reader, and valuable to the professional man. It possesses an excellent analytical table, which forms the skeleton as well as the index of the book; and on this frame are grouped a series of illustrations admirably discriminated, and applied in such a way as to aid enquiry, as well as to afford explanation. "Head-strong as an allegory," is a truth which others than Mrs. Malaprop have experienced to their loss; and it is the peculiar excellence of this work that its "allegories," instead of being "head-strong," are so trained and chosen, that they carry their driver with ease and certainty to his post. We will merely remark, in respect to the *legal* relations of the work, that in one respect, at least, it is calculated to be of much aid. The lately announced doctrine of the English Courts, that the existence of a single ascertained and continuous hallucination, destroys testamentary capacity is one which deserves cautious consideration before adoption in this country; and to those to whom the lot falls, of weighing it, we recommend the book before us as giving a number of cases where hallucinations were co-existent with right reason; however, it may fail in giving a metaphysical solution, if even such anomalies happen to exist.

Reports of Cases argued and determined in the Court of Queen's Bench and the Court of Exchequer Chamber. By Thomas Flowers Ellis and Colin Blackburn. Vol. I. Containing cases from M. T. 1852, to E. T. 1853.

Reports of Cases argued and determined in the English Courts of Common Law: with tables of the cases and principal matters. Edited by Hon. George Sharswood. Vol. LXXII. Containing the cases of Michaelmas Term, 1852, and part of Easter Term, 1853, XVI. Victoria. Philadelphia: T. & J. W. Johnson, Law Booksellers, No. 197 Chestnut street. 1853.

This is the first volume of a new series of Queen's Bench Reports. In most particulars, very like its predecessors, containing many valuable cases, and the usual amount of labor and learning always expended by our English brethren on their standard and authorized reports. This volume also contains the new rules of H. T. 1853, essentially modifying the practice, and rendering it more simple, and, in some respects, not unlike our own, though much more exact.

This volume leaves the profession little to desire, in the way of prompt publication, in this country. The sheets of the last part are scarcely dry from the printer in England, before we have the entire volume on our tables, briefly but sufficiently annotated by the learned editor. The last case in the volume was argued in the Exchequer Chamber in May, and in October we are reading it in Philadelphia, in a carefully prepared and handsomely printed volume, from one of our own publishing houses. Our friends the publishers much oblige the profession by their efforts thus early to place before us the current judgments of Westminster Hall.

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A Treatise of the Law of Bills of Exchange, Promissory Notes, Bank Notes, Bankers' Cash-Notes, and Checks. By John Barnard Byles, Serjeant-at-Law. Third American edition, from the sixth London edition; with Notes, illustrating the law and practice in this country, by Hon. George Sharswood. Philadelphia: T. & J. W. Johnson, Law Booksellers. 1853. pp. 646.

It is the good fortune of the students and practitioners in our day to have spread before them distinct treatises upon almost every branch of law which is of any practical importance whatever. The law of bills of exchange and promissory notes, everywhere in this trafficking and commercial country, claims much of each practising lawyer's time and learning; and we have heretofore had some excellent treatises from men abundantly

able, and wonderfully patient and industrious,—as Bayley, Chitty, and Story,—but no treatise has commanded so immediate and so continued regard from the bar as Serjeant Byles's. The learned American editor has judged well in annotating a treatise less cumbrous than Chitty, more neat and exact than Story, and more modern than Bayley, and perhaps quite as meritorious. The editorial department leaves little to be desired. The cases have been selected, and arranged, and digested with a view of aiding and illustrating the principles stated in the text: the work is neither encumbered with copious cases, cheaply borrowed from the Digests, nor is it swollen by an amplified discussion of the grounds of the cases familiar to all practitioners, and to be found in the horn-books of the law.

This book is one of a series which the worthy publishers are now presenting to us, edited by professional men of known mark, and juridical and scholar-like attainments. The old system of sending forth English books, cheaply printed, and carelessly and sparsely annotated, will no longer do. The improved systems of legal education, and the higher and better standard of legal attainments, demand improved works for study and reference; and the publishers judge wisely and do well, when they entrust their editorial duties to competent and well-paid men, whose professional pride and honest love for law as a study, aid and cheer them in their labors.

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A Digest of the Laws of Pennsylvania, from the year one thousand seven hundred, to the twenty-eighth day of May, one thousand eight hundred and fifty-three. The first four editions by the late John Purdon, Esq. The fifth, sixth and Seventh by the Hon. George M. Stroud. Eighth edition, revised with marginal references, foot notes to the Judicial Decisions, analytical contents, a digested syllabus of each title, and a new, full and exhaustive Index. By Frederick Brightly, Esq., author of "the Law of Costs," "Nisi Prius Reports," etc. Philadelphia: James Kay, Jr. & Brother, 193 Market street, Law Booksellers & Publishers, 1853. pp. 1050.

At length we have an edition of Purdon's Digest, which meets the universal approbation of the profession throughout our entire state. Perhaps no book ever commanded such a uniformity of opinion at once. When Collinson Reed; fifty-two years ago, prepared his alphabetical arrangement of our laws, and printed them in a small thin volume; he little imagined, that in half a century, we should require one thousand and fifty pages of

closest type, and most liberal page to contain our legislation and appurtenant matter. Seven previous editions of Purdon, attest its great and universal favor. This, the eighth edition, possesses many new and valuable improvements; it has a marginal reference to each section; it has the references to judicial decisions placed at the foot of the page; it has the table of contents, much subdivided, a great matter in a digest: it has the index full and comprehensive; and lastly, it has been furnished at a moderate price, within the reach of all.

Perhaps it would not be becoming in journalists like ourselves, to say much of a work which bears upon its first pages an ample certificate of merit, from those most competent to judge, the members of the Supreme Bench of Pennsylvania.

The publishers have also favored us with a circular, containing letters of approval by many Judges in Pennsylvania, from the Supreme Court of the United States, to the inferior magistracy. But one voice is to be found, either by bench or bar. And, indeed, one who will take the pains to examine any of the long titles, such as "Decedent's Estates," "Execution," "Justices of the Peace," "Taxes," &c., cannot fail to be struck with the vast labor and exemplary diligence of the learned editor. Nothing in the shape of judicial decision in our Courts, seems to have escaped him; we have many manuscript decisions, some as late as the end of October last. And, certainly, for the practical purposes of the profession and the citizen, no book can approach Mr. Brightley's edition of our laws, as now given to us by our friends, the Messrs. Kay.

Something is due to the publishers for their laudable efforts to compress the mass of our statutes within a reasonable compass, so that we may have a volume which it is possible to handle, and to consult with some degree of comfort. The size of the type has been reduced, but it is nevertheless very clear, and quite as legible as any former edition. The marginal abstracts lessen materially the labour of any one wishing to consult this volume. It is only necessary to run one's eye along the margin to be fully informed as to the contents of the entire page. This aid to the reader, which is universal in English books, is seldom found in American ones, because it adds materially to the expense of the publisher; and heretofore *cheapness* has been consulted, to the exclusion of other and quite as important considerations; though we hope a new era has now dawned upon us. We can earnestly, and with great confidence, commend these valuable labors of the learned editor equally to the observation of lawyers and laymen.

A Practical Treatise on the Law Relating to Trustees, their Powers, Duties, Privileges and liabilities. By James Hill, Esq., of the Inner Temple, Barrister at Law, and Fellow of New College, Oxford. Second American edition, containing the Notes to the former edition, by Francis J. Troubat, with full Notes and references to English and American decisions, by Henry Wharton. Philadelphia: T. & J. W. Johnson. 1854. pp. 900.

A republication of this book, the first edition of which is out of print, has been for some time needed, not only from the absence of any treatise of an exactly similar nature, but on account of its own great merit. Mr. Hill's treatise has secured to itself a high reputation in England and this country; and is treated by the Courts generally as of established authority. A strong guarantee of its character is to be found in the fact, that it has furnished the basis of various parts of Mr. Spence's elaborate, but unfortunately unfinished, work on equity jurisprudence. It labors, however, under one somewhat unusual defect—the modesty of its title; which might convey to an American reader an erroneous idea of its object and scope. Though only professing to be a practical treatise on the law relating to trustees, it is in fact a comprehensive and well arranged compendium of the doctrine of trusts in general. This, as the equity lawyer is well aware, covers a wide range of topics; and however abstruse in some of its higher branches, is, in most, of very practical and every day application. In the “progressive expansion of the area” of equity, it has extended its jurisdiction over a variety of subjects, whose original allegiance was due elsewhere. There is hardly a modification of the rights of property in which the keen eye of a chancellor cannot detect, or from which his plastic hand cannot create a fiduciary relation. In short, as Lord Mansfield used to say of the phrase “appurtenances,” that it was the “drag-net of conveyancers,” so the word “trust” might to be more broadly considered as a sort of equitable seine, by which pretty much every question of property can be drawn within the jurisdiction of chancery. The extent of this “usurped domain” may be illustrated by a reference to the division in Mr. Hill's book on trust arising by operation of law. Here we will find grouped the common resulting trust from the payment of purchase-money, from voluntary conveyances, from the failure of direct trusts, or the like; involving a variety of questions on the construction of wills, and the lapsing of devises and legacies; the broad head of constructive trusts, in which are incidentally considered, fraud in its various modifications legal and actual, accident and mistake, the doctrines which impose upon purchasers, under a variety of circumstances, a fiduciary character, and many others of the *spolia opima*

of other branches of jurisprudence. Then the personal relations of *cestuis que trustent* has furnished equity with a fruitful field of conquest. Beside, questions arising from assignments and devises for the payment of debts, the subject of investment, the relation of tenant for life and remainder-men; there are the peculiar *protege* of chancery, Infants, Lunatics, Married Women and Charities, with regard to whom its jurisprudence is original and peculiar. All these, with the more special doctrines bearing on the appointment and removal, the duties and liabilities, and the like, of trustees, are discussed with great ability and accuracy by Mr. Hill, and the law thereon collected within a very convenient and condensed form. A copious and careful index completes the usefulness of the book.

A good American work on this subject is very necessary. Judge Story's highly esteemed treatise is, indeed, standard in merit; but it is too elementary in its character, and is, unfortunately, very meagre in the citation of authorities in the United States. The advertisement to the present edition of Mr. Hill's treatise states, that, "it contains, it is believed, full and accurate references to the American decisions and the more important statutes in the different States, and also to the principal English cases and statutes, since the publication of the text. With regard to the subject of the work, some of the notes," it is observed, "upon topics incidentally treated of by the author, are rather more elaborate than would have been necessary, if the American authorities thereon were fully collected elsewhere." Whether the editor's task has been properly performed we could not adjudge upon, without the risk of a "challenge to the array," and others therefore must select a panel who can try this cause. We may, however, state, that on examination of the sheets, it appears that the work has been enlarged by nearly one half in bulk, by the new matter of this edition; and that the table of cases shows an addition of more than three thousand decisions in England and the United States. The authorities, we believe, have been brought down to the latest moment.