

The only harmonious rule on the subject of days of grace, would seem to be, that where time of payment is in terms given to the drawee—as after sight or after date, or by naming a future day—days of grace are to be computed and allowed to him ; but where the *terms* of the bill import immediate payment *on presentation*, its terms are, in this respect, to be pursued. *Id.*

It *seems* that a local custom or usage of the place where it is payable (if any exist,) allowing days of grace on such a bill, may be shown. *Id.*

NOTICES OF NEW BOOKS.

Reports of Cases Argued and Determined in the Court of Common Pleas, for the City and County of New York, with Notes, References and Index, by E. DeLafayette Smith, Counsellor at Law. Vol. I. New York: Jacob W. Halsted, Law Bookseller and Publisher, 1855. pp. 871.

We have been much pleased with the examination we have been able to give this volume of Reports. It is filled with decisions upon points of commercial law and commercial usages, which a court of justice in a great maritime and business city like New York, will constantly be called upon to adjudge. We have presented a few abstracts in this number, of some interesting and important cases, which might have been greatly multiplied, had we been able to devote the space.

Prefixed to this volume, is a History of this Court of Common Pleas, by Mr. Justice Daly, together with an account of the judicial organization of the State of New York, from 1623 to 1846, which is no less instructive than interesting, and is a valuable contribution to our stock of juridical and legal history, and well worthy a careful and attentive study. We specially commend the index to this volume, as one constructed upon the true principles of index-making, letting the reader at once into the very matter in hand, fully, accurately, and succinctly.

The preliminary statements are also carefully constructed, without verbiage, and strictly confined to the points in controversy. We take great pleasure in commending the labors of the learned reporter to professional attention and consideration.

A Compendium of Mercantile Law. By the late John William Smith. Third edition, greatly enlarged and revised throughout, from the last English edition, by James P. Holcombe and William Y. Gholson. New York: D. Appleton & Company. 1855. pp. 755.

A book so well known, and so constantly used by the bar, hardly seems to require any notice at our hands; but the very numerous and skilfully arranged American Notes, appear to be a proper subject to which to call the attention of our professional brethren. Compendious treatises on special branches of law, fully annotated, have much value as mere labor-saving works, superseding to some extent the necessity of diligent searchings into numerous and voluminous digests. A skilful presentation of important adjudicated points, in brief notes at the foot of the page, seems, upon the whole, the most satisfactory mode of annotating which professional ingenuity has yet discovered and adopted. And the notes before us are of this very character: comprehensive without being tedious; ample without the fault of prolixity; and doubly useful by the number and method of the citations.

An Introduction to the Study of Jurisprudence: being a Translation of the General Part of Thibaut's "System des Pandekten Rechts;" with Notes and Illustrations by Nathaniel Lindley, of the Middle Temple, Esq., Barrister at Law. Philadelphia: T. & J. W. Johnson. 1855.

This is a book which we are extremely glad to see reprinted in the United States. Thibaut's System of Jurisprudence of the Pandects, from which it is in the main translated, is one of the most esteemed of the many remarkable treatises on the Roman Law which have appeared in the last half century. Such is and was its reputation in Germany, a country whose unsparing criticism is satisfied with nothing less than the highest excellence, that it passed through eight editions in the author's lifetime; and has since been made the basis of several elaborate commentaries. In England, where the study of the civil law is begun to be pursued with a zeal unknown since the days of Irnerius, the work has received the most enthusiastic commendation from Mr. George Long, who is probably the person most qualified there to form a judgment on such a subject. Speaking of it in connection with Savigny's celebrated Treatise, he says: "They are characterized by a soundness of knowledge, clearness of expression,

perspicuity of arrangement, and a subtlety and depth of thought, that have seldom been equalled by any writer on the subject, and cannot be surpassed." This praise is not overstrained. We have read carefully the work before us, and though it is not in all respects that which best represents the qualities of Thibaut's mind, we could not but be amazed at the richness of material wrought into the greatest conciseness and precision of form,—at the accuracy of expression which struck invariably the key-note of thought,—at the beauty of analysis, so skilful that it seemed only the natural organic skeleton or tracery of the subject,—at the transparent lucidity of style, so clear as to shew with equal distinctness the profoundest and the simplest of ideas, by which it was characterized. If the metaphor were not too bold a one, we would be tempted to describe the book as crystallized law,—law precipitated, as it were, by its own inherent action, into a structure of the sharpest outlines, and of the purest substance.

All of our readers may not be aware what great progress the exegesis of the Roman Law has made within the present century. Casting off the pedantry by which it was long clogged, it has become emphatically a science. The discovery of the long lost Institutes of Gaius, and of many fragments of Ante-Justinian juriconsults, gave the first and perhaps the most remarkable impulse in this direction. The retrieving of these precious waifs of law, though it added but little directly to the *corpus juris* as it was left by Justinian, and the later Emperors, and as it was actually in force, gave us its historical antecedents in a more connected and intelligible form; and thus converted it at once from a mere positive exposition of legislative will, into the healthy outgrowth of a living jurisprudence, prepared by the normal action of centuries. Much that was misunderstood was thus set right; much that was insensible was thus explained. But the real advance of this study is as much due to extraordinary development of critical sagacity which was inaugurated in history by the school of Neibhur, and naturalized by an easy transition in jurisprudence. As it was said of the great German historian, that he knew early Rome better than Livy, so it may be fairly affirmed of such men as Savigny, Hugo, and Thibaut, that they knew the laws of the Republic better than Justinian, and what is more to the point, the law of Justinian far better and more thoroughly than Cujacius, Vinnius, Voet, or Domat, the lights of a past generation. So great a step forward has been taken, that these older writers have become almost obsolete; highly respected,

indeed, for their industry and acuteness, but supplanted by the superior learning and accuracy of a more scientific age.

In view of a change, a development such as this, it is highly important that the works of some of the most recent as well as the best of the continental jurists, should be introduced into this country for the benefit of those—and their number is rapidly increasing—who desire or find it necessary to acquaint themselves with the principles of the Roman Jurisprudence. The only one of these works which has hitherto appeared in an English dress, is the Manual of Mackeldey. This is a treatise, indeed, of deservedly high reputation. The translation, however, was never completed beyond the first volume; it was overlaid, almost smothered, under a pile of unnecessarily elaborate notes; and it is now, we believe, out of print. Mr. Cushing's revision of Strahan's translation of Domat, is a valuable book, doubtless, a "book which no lawyer's library should be without," but unfortunately the original belongs to an almost extinct race of jurists, palæontological in fact; and we can only regret that the same time and pains should not have been spent upon one of the twenty highly perfected treatises of France, Germany, or Italy, of the present century. Mr. Lindley's translation of Thibaut comes, therefore, at an appropriate time, and supplies a want long felt. The only objection we can urge is one, which perhaps will not have an equal weight with all readers, that the translator has limited his task to the general or elementary portion of the work. We hope that at some future time we may be favored with the special or practical part also.

Of Mr. Lindley's translation we can speak in the highest terms. He has rendered a somewhat difficult original into always clear and idiomatic English; and we know of no better commendation to give. The last portion of the work is composed of well prepared notes, by the translator, containing further explanations of the text from the civil law, and also full illustrations and comparisons drawn from our own law. On looking at the latter, we have found them to be also of value in themselves, by containing references to the most recent English decisions on the subjects of which they treat. The typography of the work is excellent: and, what is a rare merit in American reprints—*haud inexperti loquimur*—the references to foreign works, and the citations from foreign languages, are always accurate.