

NOTICES OF NEW BOOKS.

The Common Law of Pennsylvania: A Lecture read before the Law Academy of Philadelphia, at the Opening of the Session of 1855-6. By Hon. George Sharswood, Provost of the Academy. Philadelphia, 1856: L. R. Bailey; pp. 30.

This is an introductory discourse on the sources of the common law in Pennsylvania, written with the usual clearness, accuracy, and ability of Judge Sharswood. The learned writer ranges himself decidedly on the side of those who consider the law of tenure, derived from the feudal system, as surviving the revolution, and as still the foundation of, as well as interwoven into, our law of real estate. The arguments which he uses, and which will be found presented by him more concisely and coherently than anywhere else, perhaps, appear to us difficult to answer. A sketch of the modifications introduced into the English common law, by the changes of the customs and habits of life of our people, and of the tacit but prudent adaptation thereto by the courts, of the statute law of the mother country, furnishes another subject of interest. Some observations on the character and duties of the law student, written in the judicious and elevated tone which characterized the "Legal Ethics" of the author, conclude the lecture. The style in which this pamphlet is got up, indicates that taste is not neglected, in the midst of the severer products of legal training, by the members of the Law Academy.

A Selection of Leading Cases on Various Branches of the Law, with Notes by John William Smith, Esq. American editors, J. I. Clark Hare and H. B. Wallace. Fifth American, from the last English edition, by Keating and Willes, Esqrs. With Additional Notes and References to American Decisions, by J. I. Clark Hare and J. W. Wallace. Two vols. Philadelphia, 1855: T. & J. W. Johnson. 8vo. pp. 988 and 758.

Mr. Smith's leading cases, and the notes of his distinguished American editors, have made a reputation which is now beyond the need of praise. It is unnecessary for us, therefore, to do more than call the attention of our readers to the appearance of the fifth edition of this valuable work. The last English edition, from which this is taken, is that of Messrs. Keating and Willes, men of the highest standing at the English bar, and worthy to succeed to the legal inheritance of Mr. Smith. The notes of the American editors have been much enlarged; those of the late Mr. Wal-

lace, by his brother, Mr. J. W. Wallace, well known to the profession by his Reports, and by his interesting and well-written volume, entitled "The Reporters." The subjects upon which, in particular, the largest additions appear to have been made, and the greatest attention bestowed, are: Equitable relief for breach of condition, &c., vol. i. p. 93; The Replication *de injuria*, Id. 212; The liability of innkeepers, Id. 309; Award and Satisfaction, Id. 462; The statute of limitations, Id. 715; Jurisdiction and notice, Id. 819; Competency of witnesses, vol. ii. 105; Fixtures, Id. 254; Set-off, Id. 320; Estoppel, and effect of judgments as such, Id. 676; Proceedings by attachment, Id. 689. Between three and four hundred pages have been added since the last edition.

These volumes are printed in the usual creditable style of the publishers.

PENNSYLVANIA STATE REPORTS. By George W. Harris, of Harrisburg, State Reporter. Vols. I.—XL. Lancaster and Philadelphia, 1850—1855.

We have had occasion to consult at different times, the reports of most of the United States, and though some of them are slovenly enough, we must frankly say that this series is, taking all things into consideration, the worst which we have as yet seen. Other delinquents in this line, will be found to possess each his special deficiencies; to have failed *par eminentie* in some particular branch of his duties. One is conspicuous for his absurd syllabus; another for his incomprehensible statement; a third for his blundering index. But there has been a many-sided badness in Mr. Harris' reporting, which is really curious in its complexity and thoroughness. It is impossible to select any particular quality, either for reprehension or praise. His head notes are vague, careless, or inaccurate; often missing, often misstating the point decided, with a perversity quite surprising. His statement of facts is, in general, most slovenly, confused, and full of repetitions; the evidence given sometimes in the minutest detail, sometimes left out altogether, and in each case usually on the wrong occasion; docket entries and depositions, the charge of the court and the points of counsel huddled together into a crude mass, without system and in defiance of sense. The arguments of counsel are often omitted without explanation; and when given, it is in a way to stultify their authors, and confound the reader, for they consist merely of a series of random cuttings from the paper books, pasted together in disregard of order or coherence. The index is in keeping with the rest. The syllabuses which, scattered through the volume bloomed in solitary absurdity, are here gathered into a parterre, as it were, and their collective effect is astonishing. As to the arrangement pursued, there appear to be as many plans as volumes, and these agree in hardly anything but illogicality and uselessness. It is a constant observation, that if you want to find anything in one of these indexes, you must look for precisely that head under which

you suppose it could not possibly be placed. Some of the headings are so singular, that we are almost ready to suppose that the reporter was enjoying a quiet joke at the expense of his readers. Titles, such as the following, are plentiful: HOUSE, BRICK, LARD-GREASE, HORSEMAN, PINK-ROOT, HORSE, STONECOAL, ENGINE, FLOOD see DRIFT, DOG see SHEEP, MANURE see POSSESSION, LIQUORS see BOARDING, VICE AND IMMORALITY see SUNDAY; which, in general have nothing to do with the point of law decided, but are merely prominent words in the head-note of the case. The style of the reporter is as bad as his work. It is ungrammatical, loose and confused, full of solecisms, and deformed by the use of needless abbreviations, and bits of technicality, of the signification of which the writer appears not to have had a very exact perception.

Now, for all these shortcomings, there is not one excuse to be found. There was plenty of time in the course of each year, for the preparation of two volumes of reports; and the reporter has not been a man in large practice. All his materials were ready to his hand. For many years, the paper books and the arguments of counsel in the Supreme Court, and for some time a full statement of the facts in addition to the record, have been required to be printed at the expense of the parties. The opinions of our judges have almost invariably been short, clear, and pointed, to a remarkable degree. The cases, indeed, almost reported themselves. It seemed, therefore, scarcely possible, that a man of the most ordinary industry and capacity, could escape making at least a respectable series of reports; but the result has been what we see.

These observations may seem unnecessarily harsh, when applied to a reporter, whose term of office has expired. But it is a question of the future as well as of the past. The bar of Pennsylvania cannot submit any longer to be disgraced by a style of reporting, which is equally destructive to their own reputation and that of the bench. They cannot submit any longer to waste their time over bad indexes, and be led into error by inaccurate reports. The post of reporter is a lucrative and easy one, and its incumbent must be made to do his work properly, if not from a sense of duty, at least from the fear of censure. If those who have failed heretofore, are not brought to a strict account, there can be no hope of amendment in the future. The removal of the appointing power to that office, from the Supreme Court to the Governor, was against the judgment of the profession; and the profession must now insist on its exercise with increased caution and honesty. If the impropriety and injudiciousness of previous appointments are not exposed, the office will degenerate into a mere infirmary for imbecile lawyers, a sinecure for gubernatorial favorites. We regret, indeed, to have been obliged to criticise with severity the labors of a gentleman, whom we believe to be respectable and well intentioned, and whose only fault was his utter unfitness for his office. But we have said nothing which is not, unfortunately, perfectly true and just; we have but echoed the unanimous voice of the profession; and if Mr Harris has been selected to point a moral to his successors, he has only himself to blame.