

trespass, and the act cannot be extended by implication to a class of cases not specially provided for."

It results, from the consideration we have given the case, that the right to mine for the precious metals can only be exercised upon the public lands; that although it carries with it the right, such as the use of wood and water, those incidents must also be of the public domain in like manner as the lands; that a prior appropriation of either to steady individual purpose, establishes a *quasi* private proprietorship which entitles the holder to be protected in its quiet enjoyment against all the world but the true owner, except in the single case provided to the contrary by the statute which I have already adverted to.

Upon the remaining point argued I have only to add, that the facts do not make out a license from the respondent to the appellants. It would be strange to take away a party's rights upon such slight grounds. *Turtar vs. The Spring Creek Water and Mining Company.*

NOTICES OF NEW BOOKS.

COURT OF CLAIMS. REPORTS AND DIGEST OF OPINIONS, DELIVERED SINCE THE ORGANIZATION OF THE COURT. By JOHN C. DEVEREUX, Counsellor at Law. New York: Banks, Gould & Co., 144 Nassau Street, 1856.

The Court of Claims having now been in successful operation for nearly two years, and having in the meantime been obliged to form its practice, and almost the very principles of law under which it is to work, has accumulated a respectable body of decisions, which are collected in the present volume. The materials of which the work is composed, consist of the recent report of the presiding judge of the court, to Congress, upon the character and extent of the business and operations of that court: a Digest of the opinions delivered, with some of the more important opinions given at large, and an Appendix, containing: I. A statement of the origin and history of the Court. II. The Acts of Congress relating thereto. III. The Rules of Court. IV., V. A List of Commissioners to take testimony; and of the Attorneys and Counsellors. VI. Some articles by the Reporter on the character, practices, and judicial powers of the court. The manner in which these materials are put together is, perhaps, somewhat loose, but we can recommend the book to such of our readers as have a share in the large and increasing business of the court, as being carefully prepared and in every respect a useful *vade mecum*.

A GENERAL INDEX TO THE COMMON LAW REPORTS, VOLUMES 1 to 83 inclusive. Second Edition. By GEORGE W. BIDDLE and RICHARD C. McMURTRIE, of the Philadelphia Bar, 2 vols. Philadelphia: T. & J. W. Johnson & Co., 1857.

A work involving so much labor and embracing such an immense number of points, cannot be reviewed satisfactorily without study and labor on the part of the reviewer himself. A long use of the first edition of this Index, for which the profession were indebted to Mr. Biddle, enables us to speak with more confidence than we should otherwise be willing to do without a critical examination of this edition. The first and essential element of any index, is *accuracy*; the well known character of the editors with their brethren of the Bar at home, is a sufficient voucher for that. The second indispensable requisite is fulness in the number of titles and the multiplication of sub-heads, and this the table of titles shows, by simple inspection. A ready mode of finding a point decided anywhere in one hundred and sixty-three volumes of law reports, is a signal comfort to a professional man, who frequently is compelled to seek his authorities in the hurry and perplexity of *nisi prius* trials. We do not hesitate to commend the labors of our friends, Messrs. Biddle and McMurtrie, to the earnest consideration of the profession, feeling quite sure that the inquirer into the common law authorities from 1813, will not be disappointed in readily finding the very case or point he here seeks.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME COURT AND THE COURT OF ERRORS AND APPEALS OF THE STATE OF NEW JERSEY. A. O. Zabriskie, Reporter. Vol. IV. From February term, 1853, to March term, 1855, inclusive. Trenton, 1856. pp. 945.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME COURT AND THE COURT OF ERRORS AND APPEALS OF THE STATE OF NEW JERSEY. Andrew Dutcher, Reporter. Vol. 1, from June term, 1855, to June term, 1856, inclusive. Trenton, 1856. pp. 717.

The New Jersey reports have always borne a high character with the profession, both from the learning of the men who argued questions in her forum and from the signal ability of the judges who decided them. The matter of reporting has not always been as faithfully, nor as adequately done as the fame of the bar would seem to have merited. For many years the appointment of her reporters was given for political reasons and was frequently a mere *job*. This was found by the bench and the bar, an

intolerable grievance, causing both the one and the other sometimes to appear in the most unsatisfactory shapes, and was of course abandoned.

The present enlightened, and able judges of both the common law courts and the chancery have appointed their own reporters, and a new and better system of reporting has been the satisfactory result. Mr. Zabriskie's Reports, in all the four volumes have been marked by some of the best qualities of reporting—care and accuracy. No one who has not superintended the sheets of a volume though the press can, for a moment, conceive of the vexatious and annoying blunders which will arise in spite of all care: sometimes from imperfect manuscript, sometimes from ignorance of compositors, and sometimes from haste of authors, which, when all combined, disturb not a little a careful reader.

While we take pleasure in commending the learned and faithful labors of Mr. Zabriskie, we cannot but condemn that narrow State policy which intrusts the printing of the law reports, which are to be a record for the guidance of all coming time, to newspaper offices or newspaper printers, sometimes the same volume being printed at two or more different offices, by printers who are not always familiar with law terms and law books. Some of the sheets in 4 Zab. are sorry specimens of paper and printing, particularly the sheets of the Index.

In the first volume of Dutcher, the faults of type and paper are corrected and with some unimportant blemishes which time and experience will not fail to amend, the book is highly creditable, and we read it with pleasure and profit. The cases themselves are pretty much of the same character as those that arise in other States. *Cornelius vs. Giberson*, p. 1, decides some important and interesting matters in the land laws of the State, *Grant vs. McGuire*, p. 356, determines a new phase of an old question, *Moulin vs. Ins. Co.*, p. 57, and *Capen vs. Ins. Co.*, p. 67 are useful decisions; *Remyon vs. Central R. R.* p. 556, adds its weight to a pretty long line of cases which must now be considered as settling the point involved; *Sayre vs. Sayre*, p. 235, has a most learned review of all the English and American cases, on the subject discussed; *State vs. Davis*, p. 386, is an important decision which has led to legislation, and *State vs. Fox*, p. 536, will always claim attention.