

into which *Mr. Gibson* fell, when he supposed the *High Court* had decided that *negroes* were not entitled to vote, according to the Constitution of 1790.

It is to be recollected that more than *forty* years intervened from 1795 to 1837; that *Mr. Gibson* at the latter period was far advanced in life—that all *Mr. Gibson* could remember, was, that such a point had been ruled by the High Court of Errors and Appeals, about the year 1795. He could not name the parties, nor the counsel concerned in it, nor indeed any thing which could by association of ideas assist his memory. *He had been invited to take part in the argument, but had declined.* He also said that the judges had given a judgment merely, but had given no reasons for it.

Now the points of resemblance between the case of *negro Flora* and *Mr. Gibson's* supposed case, are quite apparent. Both were questions upon the constitution of 1790—both concerned the *rights of negroes*. The judges gave *no reasons* for the judgment, but contented themselves in *negro Flora's* case, by the simple declaration, “that it was their unanimous opinion, that slavery was not inconsistent with any clause of the constitution of Pennsylvania.” *Mr. Gibson* gives substantially the same account of the decision which he named. The time of the decisions may be considered the same.

These coincidences are quite sufficient to account for confusion in the mind of any one, after so great a lapse of time, and on a subject with which the original tie was so weak, and on which there is no reason to think the mind had been exercised at all in the interval.

G. M. S.

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#### NOTICES OF NEW BOOKS.

AN ANALYTICAL DIGEST OF THE LAWS OF THE UNITED STATES, from the adoption of the Constitution to the end of the Thirty-Fourth Congress, 1789-1857. By Frederick C. Brightly, Esq., of the Philadelphia Bar; author of “The Law of Costs,” “Equity Jurisprudence,” etc.; editor of “Purdon's Digest of the Laws of Pennsylvania,” etc. Philadelphia: Kay & Brother, 19 South Sixth Street, Law Booksellers, Publishers and Importers. 1858. pp. 1083.

In the American Law Register, Vol. V. p. 254, the editors announced the passing through the press of this work. The opinion there expressed by a study of one or two titles in advance of publication has not been in

the least modified by a more careful study of several longer titles. The advantages of this Digest over any other as yet printed, seem more especially to be the following :

1. The matter is arranged alphabetically, with analytical divisions and subdivisions, under which the chronological arrangement is, as far as possible, preserved.

2. It possesses marginal references to each section, whereby its contents can be seen at a glance.

3. The Notes of Judicial Decisions, (including not only those of the Supreme Court of the United States, but also those of the Circuit and District Courts and Court of Claims, many of which are scattered through the legal periodicals and not to be found elsewhere, many decisions of the State Courts, the opinions of the Attorneys-General and Heads of Departments) are placed at *the foot of each page*, and refer to the respective sections of which they are the judicial interpretation.

4. The reference to the acts is placed in the margin of the page.

5. The Contents comprises the titles of each subject, and the various subdivisions into which each title has been distributed.

6. The INDEX is comprehensive, and refers not only to the laws, but also to the Constitution of the United States. The matter is arranged under *local*, as well as *general* titles; for instance, the names of States, Territories, Cities, and many of the ports of the United States, are found in their alphabetical order, with a summary of the legislation in which each of them is interested. The section, as well as the page, is given, by means of which, greatly increased facility and speed in the use of the work is obtained.

The mere statement of these advantages should at once give this work the preference over every other of a like character which is without them. It is difficult to see how a digest could be made more complete, comprehensive, and convenient. If Mr. Brightly has rigidly followed out and fairly executed his plan, we have a book whose excellence cannot be over-rated. It is quite impossible for an editor to read more than a small portion of any very voluminous book upon which he is called to pass judgment, but the study of any small part of a comprehensive work generally exhibits the characteristic merits and defects.

The well known industry and learning of Mr. Brightly are a sure guarantee for the fidelity and skill with which this book has been prepared. A careful perusal of certain titles taken at random from this volume, has

not enabled us to discover any errors, or any defective execution of the general plan.

If commendation were needed, the numerous letters which have been sent to the publishers, in approval of the plan and execution of the Digest from all parts of the Union, alike from judges and practising members of the bar, would suffice to express the respect with which the learned editor's labors are regarded.

It is perhaps only just to the publishers, the Messrs. Kay, of this city, to say that the typographical and mechanical execution of this book, letter press and binding, are all worthy of great praise; no parsimonious effort at an economy which tries the patience and eyesight of the purchaser, having been attempted throughout the whole of the one thousand and eighty odd pages.

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A TREATISE ON AMERICAN RAILROAD LAW. By EDWARD L. PIERCE, of the Boston Bar. Published by John S. Voorhies, New York. For sale by H. W. Derby & Co.

We have read this book with some interest. Aside from its value as a contribution to law literature, it is rather striking, as one of the signs of the times. Not many years have passed since railroads were invented, and already a summary of the litigation to which they have given rise, fills a volume of six hundred pages.

The book begins with a formation of a railroad company, and the general frame, as well as the construction of the charter. The company is then considered, first in its relation to the legislature, next in its relation to the stockholders. After a full discussion of the acquisition of the right of way and real estate, both by purchase and condemnation, and of the location of the road, follows an elaborate statement of the liability of the company for torts, a most complete statement of the law on that topic. Several chapters on the contracts of railroad companies, and their liability as common carriers, are followed by a chapter on remedies sought by and against such corporations, and a concluding chapter on their capacity to make a valid mortgage.

We find here, in a convenient compass, the latest law upon several questions upon which the courts have hardly yet settled down into fixed opinions. The liability of a company for injury to its servants, for injury to cattle,

upon contracts to carry beyond its termini, for fraudulent issue of stock upon mortgage of its franchises, and the respective rights growing out of consolidation of companies, are illustrated by the most recent decisions.

The first requisite of a text-book is, a good arrangement; for it only purports to be a presentation of the law as it already stands, though scattered over a thousand volumes. Mr. Pierce has adopted a very clear and consecutive order in his treatise. The materials collected are ample; the cases are well digested; the resulting rules are clearly stated. The style is simple and correct. He deserves particular commendation for faithfully presenting the laws of the latest date. We have observed in the volume, citations from the forthcoming reports of the U. S. Circuit Court for Massachusetts, of the courts of New Hampshire, Vermont, Massachusetts, Connecticut, Ohio, and other States—some taken from this magazine, some from unpublished manuscripts.

The author, although not yet extensively known to the public as a law writer, has a well disciplined and accurate legal mind, is a thorough student and a practical man; and qualified to make the peculiarly careful laborious research required in order to produce the present volume, and few could better condense in the form of a legal treatise, the results of such an investigation. We say that a peculiarly careful and laborious examination was required in the preparation of a work like the present, because, in the labor of bringing out the new books, which are continually flowing from the press, on the law of contracts, of shipping, of sales, promissory notes, bailments and of evidence, the authors can avail themselves of the treatises already published by distinguished writers on the same topics, and find their authorities collected, and their principles already stated. But in editing a work on the law of railroads, with no previous text books to assist him, it was necessary for the author to make a most laborious and painful examination and comparison of authorities; and to state his principles not from a re-hash of the views and language of former text-writers, but to deduce them mostly in the form of original propositions, after a long study and thorough analysis of the adjudged cases, collected in the course of his labors. This peculiar and difficult task Mr. Pierce has admirably performed. His statements of the law are concise and accurate, and his collection of authorities cited, we undertake to say, after a careful examination of the work, is equalled in completeness and accuracy by few law books lately issued from the American press.

He tells us in his preface, that "The present volume is designed to

reduce to a compact and accessible form, the law of railroads, as it has been judicially declared in this country. The decisions upon the subject which have been reported mainly within the last ten years, have accumulated rapidly during that period. Hitherto they have not been digested into a treatise, and when required to determine questions as they arise, are brought together with no inconsiderable labor and difficulty. Although the treatise is occupied chiefly with the discussion of the law, as declared in these cases, which it is believed will be found to be collected with fidelity, the interpretation of such statutes as are of general interest, and are essentially the same in the several States, has been considered, while local laws have been excluded from its scope."

The writer of this notice had collected much material, and made some progress in the preparation of a work on railroads, but the manner in which this treatise is executed, and the work of Judge Redfield, also noticed in this number of the *Law Register*,<sup>1</sup> cause him no regret that his labors should have been anticipated.

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ON RECEIVERS IN EQUITY AND UNDER THE NEW YORK CODE OF PROCEDURE; WITH PRECEDENTS. By CHARLES EDWARDS, Counsellor at Law, author of "Parties in Chancery," etc., etc.; Second Edition. New York: John J. Voorhies, Law Book-seller and Publisher, 20 Nassau Street. 1857. pp. 761.

This is one of the books which has an established reputation, and requires no commendation. The solicitors in chancery everywhere throughout the Union require, and no equity practitioner can afford to be without a copy. The latest edition of such a book is always the best, because the latest authorities are cited, and most recent forms are given.

It is proper to add that this, like most of the more recent books of Mr. Voorhies, is well printed, with good type and fair paper.

<sup>1</sup>This notice has been crowded out by want of space, but shall appear in the March Number. The work deserves great commendation, and we have noticed it at some length.—[Eps. A. L. B.]