

nature of the steps ?] We could give no further evidence of that, the door being locked when the son of the plaintiff went to examine them.

WILLIAMS J.—I think there should be no rule. Putting such a case to the jury is tantamount to a verdict for the plaintiff, and the question is whether there is evidence upon which a jury could properly act. If it had been shown that the steps had been dangerous, the case might have been different.

WILLES J.—I am of the same opinion. To make out a case of negligence, some fact must be proved more consistent with the defendants having, through negligence, caused the injury, than the opposite theory. There was nothing to show that the steps were more than ordinarily dangerous, nothing to show that they were out of the ordinary course. It is impossible for a man to dispose his property in such a way, but that a man may by accident or negligence injure himself. There is no evidence that an accident might not have been avoided by a man of ordinary prudence and care.

Cockburn, C. J. took no part in the case, he being a shareholder in the defendant's company.

Crowder, J. was not in court during the argument.

Rule refused.

NOTICES OF NEW BOOKS.

A PRACTICAL TREATISE UPON THE LAW OF RAILWAYS. By ISAAC F. REDFIELD, LL. D., Chief Justice of Vermont. Boston: Little, Brown & Co., 1858, pp. 736.

“This work,” says the author, in his preface, “was undertaken with the purpose of supplying, what seemed to the author, a want, if not a necessity to the profession in this country, a book upon the law of railways, which should present within reasonable compass, and in a properly digested form, the whole law upon the subject, both English and American. No treatise had attempted this, and the attempt has confirmed the consciousness that the accomplishment of such an undertaking is attended with labor and perplexity.”

“It seems desirable that such a work should present every case which has been decided, in both countries, in such a form as to make the point of decision plain and obvious, and at the same time not convert a treatise into a mere digest. A mere treatise, too, upon the principles involved in the several departments of the law brought under discussion in such a work, would be of little benefit except to the student. This, too, will be found in the approved treatises already published upon these several subjects. On the other hand, a digest of the cases upon any plan, however comprehensive or philosophical might be the analysis, would appear an unsatisfactory labor, when we have already so much of the kind.”

“It is the endeavor of this undertaking to combine the two in such a manner as to render the work intelligible and interesting as an exposition of the principles involved: and at the same time present a thorough analysis and digest of all the important cases upon the subject, in such a manner as to enable the reader, at once, to know the result of all the decisions upon the several topics discussed.”

“The plan of the work is mainly new, and the effort has been, to render it natural, simple and comprehensive. The manner of arranging the heads to the several sub-divisions, has been adopted chiefly with a view to enable the profession to find, at once, whatever the work contains upon any topic or question.”

We have given this book considerable study, with a view of fully testing its merits and fairly presenting them to the profession. The topic undertaken is, at the present moment, of the very highest interest and importance to nearly all professional men engaged in active practice—for, who is not called to pursue, or defend, a railroad?

The first thing that specially strikes the reader, is the very comprehensive character of the work. It starts with the beginning, the organization of the road under the charter, then discusses the by-laws and statutes, capital stock, transfer of shares, assessments on shares, right of way, eminent domain, remedies of land owners, construction of roadway, carriers, actions, fences, mandamus, certiorari, equity, indictment, taxation, dividends insolvency, consolidation of companies, &c., and finally has an Appendix, containing much useful practical information. The contents of the volume are fully and carefully set forth in a table, and a glance at this table will give the reader a correct idea of the subject matter of any page in the book. This is eminently useful, and indeed indispensable for comfort and convenience.

The next thing that strikes the reader, is the very copious citation of

authorities. It is believed no English or American case, of any special importance, which had been published up to the time the book had passed the press, is omitted. The writer of this notice has searched for some recent authorities which would have been likely to escape the attention of even a pretty diligent student, but in every instance the learned Chief Justice had seen, and has cited, the case, in its appropriate place. The diligence and the learning are equally remarkable and praiseworthy. The subject was new, and in much confusion, embarrassed with elaborate and conflicting judicial determinations, taxing the methodical and logical mind of the author to its utmost, yet one cannot read without admiring the facility and just discrimination with which much of the complex subject matter of this volume is presented. Perhaps too much is attempted for the limits of the work, but the manner of the execution at all times commands respect and attention. The patient habits of thought engendered by a life of legal study and constant judicial judgment, are apparent; one need not to have been told by the title-page that the author was "Chief Justice of Vermont;" exact language, close logic, succinct statement, and cautious suggestion, fully announce the judicial mind.

To sum up our conclusion, after a somewhat more than usual consideration of the book, we find it to have performed the promise of the preface, and that the learned labors of a distinguished and able jurist have shed great light upon a difficult and complicated branch of legal learning.

REPORTS OF CASES ARGUED AND DETERMINED IN THE COURT OF CHANCERY AND ON APPEAL IN THE COURT OF ERRORS AND APPEALS IN THE STATE OF NEW JERSEY. JOHN P. STOCKTON, Reporter. Volume II. Trenton: Printed by Phillips & Boswell, No. 4 Chancery court, 1858, pp. 626.

This volume contains the opinions of Chancellor Williamson, from February Term, 1854, to October Term, 1855, and the cases in the Court of Appeals from November Term, 1855, to June Term, 1856. The Chancery cases in New Jersey have been gradually becoming more and more important and interesting. The very ample equity jurisdiction permitted in that State, has enabled the bar to present for adjudication a class of cases which has called for the exercise of the ablest equity judgments.

The ability of the present Chancellor of New Jersey is worthily presented by Mr. Stockton in these reports. It is quite evident that the

reporter has fully mastered the cases, by careful study and examination, before he has attempted to send them to the printer, and the satisfactory result has been a volume of intelligible and generally important cases, carefully prepared, with excellent head notes, brief statements of the argument, and the Chancellor's clear and admirable opinion. Few chancery reports which it is our duty to read, taken as a whole, cause us so little complaint; little that is superfluous is inserted, and little that is requisite, is omitted. Then, too, we have an Index which really gives us some insight into and knowledge of the contents themselves.

Some important matters will be found in this volume, and the reader may consult with interest and profit the cases under the head of Constitutional Law, Corporations, Debtor and Creditor, Fraud, Injunction, Judgment and Execution, Trust, and Will. We can, and do with pleasure, commend this volume of Reports, as one of undoubted excellence, and well worth consultation and study.



REPORTS OF CASES ARGUED AND DETERMINED IN THE COURT OF COMMON PLEAS FOR THE CITY AND COUNTY OF NEW YORK. With Notes, References, and an Index. By E. DELAFIELD SMITH, Counsellor at Law. Volume III. New York: Lewis & Blood, Law Booksellers and Publishers, No. 84 Nassau street. 1858, pp. 804.

We announce with pleasure a third volume of Mr. Smith's Reports. The well recognized ability and professional standing of the reporter would alone guarantee us a volume of good reports, had not the two preceding volumes already established his editorial reputation. The extended and almost unlimited jurisdiction of the New York Common Pleas, and the widely recognized ability of the judges who now sit upon the bench, to which, perhaps, we ought to add the handsome manner in which the reporter has heretofore presented their judicial determinations to his brethren of the bar, has called attention to the adjudications of that court, and caused its judgments to be frequently cited, as well out of as in the State of New York. We have marked several of the cases for our pages, as soon as space will permit us to publish them. We feel bound to say, that Mr. Smith's Index is a model; it is exact and comprehensive, which is all that can be asked, in that most useful part of a book.