

owner; and it is easy to say, is not such conduct equivalent to that of the man who puts his hand into your pocket and steals your property? But there is a broad line of demarcation; there is the absence of *felonious taking*, and whether the interval between the finding of the owner be an hour or a month, the principle is the same remove this line, and what then is the test of criminality? By what are judges and juries to be guided? The rule now applicable is clear and intelligible; remove it and there is no rule upon the subject. The only rule then would really be, that every dishonest man might be treated as a felon—a rule which we believe society is not yet prepared to adopt.—*Law Times*.

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NOTICES OF NEW BOOKS.

MICHIGAN REPORTS.—Reports of cases heard and decided in the Supreme Court of Michigan, from January, 1858, to November, 1858. Thomas M. Cooley, Reporter. Vol. I., being Vol. V. of the Series, Detroit: Doughty, Straw & Company, 1858, pp. 597.

No one who runs his eye over the reports of the newer States can fail to be struck with the excellent character of the arguments of counsel and opinions of the judges. And the improvement made in every particular from the professional labor down to the typographical and other mechanical details of the more recent reports, is great and striking. One cause of this is doubtless the very excellent law libraries which the newer States furnish to their officers of justice; some of them maintaining no less than *three* distinct and independent law libraries in different sections of the State, as Texas and Iowa, for example, of which we happen to have a knowledge. It is certain that the administration of law is much facilitated and rendered vastly more easy and satisfactory by the bar and the judges having access to good collections of books by which it may be known what has been, and what has not been adjudicated by other tribunals. Who can doubt that much of the learning, reputation, skill, and public confidence in the English judges arises from the fact that at Westminster Hall, and in the libraries of the different Inns of court, may be found the collected wisdom of their predecessors. There can be neither good bars nor good judges without good books. And the superior wisdom of the new communities in nothing is more apparent, or more to be envied and imitated, than in their determination to have all the legal light that printed wisdom, experience, and learning can throw upon the subject matter of judicial discussion. The States of Iowa and Texas, and probably some others,

order three copies of every useful new English and American report and text book, and some of the works of the continental jurists. These libraries are owned by the State, and are expressly for the use of all engaged in administering justice. It is somewhat humiliating that the law library of this city, with a bar famous wherever the common law is administered, should lack volumes of recognized merit, which may be found on the banks of Rio Grande, and in the rude log court houses of north-west. A complete law library is essential to the good government of a country. Every man's life, reputation, property and heirship, must come before the legal tribunals, and who shall say that justice turns not awry when she walks in the uncertain twilight of doubtful knowledge or the darkness of positive ignorance.

These remarks have been suggested by turning over the pages of this volume of Mr. Cooley. It will compare with the best volumes of the best reported States, as Rhode Island or Massachusetts, in its literary and mechanical execution. We have transferred to our own pages the important and interesting case of the *American Transportation Company vs. Moore*, p. 368, which will justify our commendations.

The case of *Daw vs. Owen*, p. 520, is a curious case. The plaintiff was a colored man, and the defendant owned the passenger steamboat Arrow. The plaintiff applied for a *cabin* passage, and tendered the fare, but was refused a cabin passage on the ground, first, that he was a colored man, and by the usages of that trade and of the custom of the country, he was excluded admission into the steamboat cabin; and that, second, the rules of the boat did not allow a cabin passage to colored men. The case was disposed of on the pleadings, but the main question was much argued.

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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. Vol. IV. New York: John S. Voorhies, law bookseller and publisher, No. 20 Nassau street. 1859.

We regret to be informed by the preface to this volume that with it Mr. Smith concludes his editorial labors. The high character of the tribunal renders its judgments well worth careful reporting and preservation. It is understood that Judge Hilton will hereafter report for this court such of its judgments as may be deemed of permanent interest. This Journal has given Mr. Smith's reports a good deal of attention, and we have more than once been under obligations to the reporter for early copies of his several volumes. A matter of special commendation in each volume has been the careful and very full indexes, without which the treasures of a law book are hidden from the professional eye. We have noted several cases to which special attention might be well called, but perhaps it is enough for our readers to be informed that the volume is printed, and may be added to our libraries.