

taken together, and read in the mode pointed out by my brother Erle, and it is quite clear that it was the duty of the defendants to navigate their vessel so as not to put the persons of the Queen's subjects in peril; all the allegations in the declaration, therefore, appear to me to have been sufficiently proved, and the rule must be discharged.

*Rule discharged.*

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NOTICES OF NEW BOOKS.

AN INQUIRY INTO THE LAW OF NEGRO SLAVERY IN THE UNITED STATES OF AMERICA. To which is prefixed an Historical Sketch of Slavery. By THOMAS R. R. COBB, of Georgia. Vol. I. Philadelphia: T. & J. W. Johnson. Savannah: W. Thorne Williams. 1858. pp. 358.

The subject of this work is one that does not altogether fall within our jurisdiction. It has a twofold aspect, which renders our competency at least doubtful. So far as slavery is to be considered as a mere question of municipal law, like the relation of parent and child, or of husband and wife, and its discussion confined to the development of established principles, and their application to novel circumstances, we may doubtless exert a lawful criticism over any book which happens to be written about it. On the other hand, in its political and ethical bearings the subject is too wide, too deep, too perplexed to justify us in sitting in judgment upon its dangerous debates, without a special commission. *Tantas componere lites* is beyond the province of this humble tribunal.

Looking at Mr. Cobb's treatise from our proper stand-point, we take pleasure in saying that it is written with great learning and ability. No decision or text-writer on the common law seems to have been overlooked; and in foreign law, codes, digests, and juriconsults have been conscientiously studied, and everything that could strengthen his arguments or illustrate his doctrines has been drawn from them. The historical introduction, in particular, displays much care and research, and where its reasoning fails to convince, it will, in all candid minds, command respect for its fairness and vigor.

That portion of the work which is more especially of a judicial character, is prepared, it is scarcely necessary to say, with the thoroughness and accuracy which belong to an accomplished lawyer. Many vexed questions are examined, but always in a temperate spirit, and with reference solely to legal principles and established precedents. Where authority is questioned, as in the criticism on *Somerset's* case, that great Shibboleth of the slavery argument, it is done on strong, if not on conclusive grounds. Where authority is supported, as in the comments on the *Dred Scott* case, it is by argument and not by declamation.

To those who are of unbiased minds, and are anxious to examine fairly a subject of such national importance, we can honestly recommend Mr. Cobb's Treatise as an able, liberal, and intelligent exposition of the views now held by the leading statesmen and lawyers of the South. If it cannot succeed in shaking the conscientious judgment of the Northern reader on the abstract rightfulness of slavery, it will at least dispel some of his prejudices, and enable him to understand the possibility of a conscientious judgment in another direction. Even those with whom passion usurps the place of reason, may learn a wise discretion in their attacks on a system which can be defended with so much learning and skill.

In concluding this notice, we may observe with regret that Mr. Cobb, in his Preface, has done much, though we believe unintentional injustice to Judge Stroud's "*Sketch of the Law of Slavery*," in describing it as an "abolition pamphlet." Mr. Cobb has in other respects shown a temper so much above mere partizanship, that we must presume that he speaks only by hearsay of the work in question; he certainly cannot have read the later edition, as it has been revised and enlarged by its able and learned author. On a topic as to which there is and may be so wide a divergence of opinion, an author may safely say, "*Petimus dabimusque vicissim veniam.*"