

the endorsement, had sold the canvas and retained the proceeds, the endorsee was prevented from recovering on the bill for so much as the canvas realized on its sale: (*Holmes vs. Kidd*, 33 L. T. Rep. 207; 7 Am. L. Reg. 563.)

*Charter-party.*—It was held by the Court of Appeal, in *De Mattos vs. Gibson*, 33 L. T. Rep. 193, that although a court of equity will not decree specific performance of a charter-party, it will restrain the owner from employing the vessel in a different manner from that agreed upon, whether such employment be expressly forbidden or not.

*Contract.*—In a preliminary conversation between B. and C. as to wool B. had for sale, B. said that, besides his own clip of wool, he had bought the clips of some of his neighbors (naming them); and that altogether the quantity was 2300 stones, a hundred stones more or less. Shortly after this C. wrote to B. that D. desired him to offer “for your wool” 16s. per stone, delivered, &c. B. replied accepting the offer. In pursuance of this contract B. tendered 2505 stones, which D. rejected on the ground of excess of quantity. The preliminary conversation was held to be admissible to show to what the contract referred; and, by a majority of the court, that the written contract did not make it a condition that the quantity should not exceed 2300 by more than 100 stones; that it was a question for the jury whether the excess was so unreasonable as to entitle the defendant to reject the wool tendered: (*Macdonald vs. Longbottom*, 33 L. T. Rep. 200.)<sup>1</sup>

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#### NOTICES OF NEW BOOKS.

PENNSYLVANIA STATE REPORTS, VOL. XXXI., comprising cases adjudged in the Supreme Court of Pennsylvania, by JOSEPH CASEY, State Reporter, vol. vii.: containing cases decided in part of January Term, and in May and part of October Terms, 1858. Philadelphia: Kay & Brother, Law Booksellers, Publishers and Importers, 19 South Sixth street, East side, 1859.

PENNSYLVANIA STATE REPORTS, VOL. XXXII., comprising cases adjudged in the Supreme Court of Pennsylvania, by JOSEPH CASEY, State Reporter, vol. viii.: containing cases decided in part of October Term, 1858, and of January Term, 1859. Philadelphia: Kay & Brother, Law Booksellers, Publishers and Importers, 19 South Sixth street, East side, 1859.

REPORTS OF CASES ARGUED AND ADJUDGED IN THE SUPREME COURT OF PENNSYLVANIA, by BENJAMIN GRANT, VOL. I. Published for the Reporter. Philadelphia: For sale by H. P. & R. H. Small, Law Booksellers and Publishers, No. 21 South Sixth street, 1859.

We cannot complain of a want of printed judicial determinations in our own State. We have three volumes of reports in less than three months.

<sup>1</sup> “Law Times,” June 18, 1859.

Two of them the labors of the regular reporter, and one, cases omitted from the regular reports, because the reporter had completed his statutory annual volumes. The regular reporter, Mr. Casey, has now supplied us with eight volumes, and we have duly informed our readers of the publication of each volume as it appeared. There does not seem any special occasion to do more than say that these two volumes are quite like their predecessors, which have always been considered as well done, and certainly much better and more satisfactory than the volumes immediately preceding them. In the pages before us will be found all the usual variety of judicial decisions, which must mark a large and flourishing community. It is true, that the language used by the judges in the cases here reported is not always free from ambiguity, and is perhaps sometimes so brief as to be unsatisfactory, but upon the whole the profession have little cause to complain of either the judgments themselves, or the manner in which they have been given to us.

Mr. Grant's Cases is a new book, and deserves some further discussion than the regular and established reports. An erroneous impression seems to have found its way into the professional mind in relation to this volume. It is not a volume of cases marked "not to be reported;" it is not composed of cases adjudged by the regular reporter to be useless and therefore not given by him; but the opinions printed were in all cases marked "to be reported," and hence their importance may be taken for granted. Most of the cases were omitted from the regular reports from want of room, the reporter being confined to two annual volumes. Mr. Grant, in his reports, has given always a clear and exact statement of facts, and frequently the arguments of counsel in the more important cases, especially the argument that prevailed with the court, and then the opinion itself. Some cases of unquestionable importance, where the point was decided in this State for the first time, will here be found as *Finley vs. Acker*, p. 83; *Thornton vs. The Insurance Company*, p. 472; *McClowry vs. Croghan*, p. 307; *Commonwealth vs. Ohio Rail Road Company*, p. 329.

After a pretty careful consideration of the volume, we feel bound to say that Mr. Grant has exercised a sound judgment in selecting his cases, and a most commendable industry in compiling them; that the publishers deserve our thanks for the handsome execution of the mechanical details, the good paper, the clear type, and the neat binding in which the volume is arrayed, and sent on its way to join the multitudinous throng of its contemporaries and predecessors.