

NOTICES OF NEW BOOKS.

A TREATISE ON THE LAW OF EXECUTORS AND ADMINISTRATORS, by EDWARD VAUGHAN WILLIAMS, of Lincoln's Inn, Eng., Barrister at Law, (now one of the Judges of her Majesty's Court of Common Pleas.) Fifth American, from the last London edition. With Notes and References to the American Authorities, by ASA I. FISH. Philadelphia: H. P. & R. H. Small. 1859. 2 vols.

This is one of those few standard text books, whose value appears to increase, rather than be affected by lapse of time. They occupy the field with a prescriptive right, and exclude competition by the completeness of their merit. Williams on Executors is too well known to need any praise, but it may be well to repeat what has been often said of it, that it is by far the most accurate and systematic book on the subject. The well merited appointment of its author to a seat in the Common Pleas, gives now an additional weight to its authority.

The present impression, as is stated in the publisher's advertisement, "is not a reprint of former ones, but an entirely new and much enlarged English edition is now reproduced, to which has been added a large body of American notes." Of the merits of the latter, it does not, indeed, become us to speak; but we are certainly at liberty to say that the mechanical execution of the book is of the best kind.

A SELECTION OF LEADING CASES IN EQUITY. With Notes, by FREDERICK THOMAS WHITE and OWEN DAVIES TUDOR, of the Middle Temple, Esqs., Barristers at Law. With Annotations containing References to American Cases, by I. CLARK HARE and H. B. WALLACE. With additional Notes and References to American Decisions, by I. CLARK HARE. Third American, from the second London edition. Philadelphia: T. & J. W. Johnson. 1859. 3 vols.

The notes of Judge Hare and the late Mr. Wallace to Smith's Leading Cases, to the Leading Cases in Equity, and to their own collection of American Leading Cases, have obtained a great and increasing reputation at home and abroad. For thoroughness of investigation, grasp of thought, and acuteness and originality of discussion, they stand in the foremost rank.

These qualities are so well known that it is scarcely necessary for us to do more than call attention to this new edition of the Leading Cases in Equity. We may say, however, that it contains a large amount of new matter, and that the English and American authorities are brought down to the latest period.

The topics discussed in these notes are very various, and cover all the principal heads of equity jurisprudence. It would, perhaps, add to the convenience of these volumes for practical use if, in future editions, an analysis of these subjects, according to the arrangement adopted in some standard text book, such as Story or Adams, were prefixed to the first volume, and the index consolidated. For the present, we have made out such a table from the general headings of the different notes, which we subjoin, as though but roughly prepared for our own purpose, it may prove of advantage to others. The arrangement followed is that of Mr. Adams' useful work.

TRUSTS, ORDINARY AND CHARITABLE.

ADAMS. Page.		LEADING CASES.
30.	Power coupled with trust—Precatory words. <i>Harding vs. Glyn,</i>	iii. 499
33.	Resulting trusts from payment of purchase money—Advancement.	
35.	<i>Dyer vs. Dyer</i>	i. 257
40.	Executed and executory trusts. <i>Glenorchy vs. Bosville</i>	i. 49
43.	Separate use of feme covert. <i>Hulme vs. Tenant</i>	i. 501
45.	Separate maintenance, &c. <i>Stapilton vs. Stapilton</i>	iii. 380
47.	Wife's equity to a settlement. <i>Elibank vs. Montolieu</i>	i. 453
54.	Equitable assignments. <i>Row vs. Dawson</i>	iii. 279
56.	Conversion of residue bequeathed to persons in succession. <i>Howe vs. Dartmouth</i>	ii. 514
58.	Liability of trustees for their own and each other's acts, &c. <i>Townley vs. Sherborne</i>	iii. 430
59.	Renewal of lease by a trustee—Constructive trust. <i>Keech vs. Sinford</i>	i. 84
59.	Purchase by trustee or other person acting in a fiduciary capacity. <i>Fox vs. Macreth</i>	i. 172
61.	Commissions of trustees and executors. <i>Robinson vs. Pett</i>	ii. 417

SPECIFIC PERFORMANCE, ETC.

77.	Power of Court of Equity over property out of jurisdiction. <i>Penn vs Lord Baltimore</i>	iii. 476
77.	Specific performance of agreements as to chattels. <i>Cuddee vs. Rutter</i>	i. 746
77.	Specific delivery of chattels. <i>Pusey vs. Pusey</i>	i. 968
78.	Enforcement of voluntary trusts and gifts. <i>Ellison vs. Ellison</i> ...	i. 297
85.	Distinction as to admissibility of evidence in seeking and resisting specific performance. <i>Woollam vs. Hearne</i>	ii. 651
86.	Statute of frauds—Part performance. <i>Lester vs. Foxcroft</i>	i. 719
90.	Specific performance, with compensation. <i>Seton vs. Slade</i>	iii. 49
92.	Election. <i>Noys vs. Mordaunt</i>	i. 375
99.	Relief against defective execution of power. <i>Hoolby vs. Tollett</i> ...	i. 284
103.	Repetition of legacies. <i>Tollett vs. Hatton</i>	ii. 536
104.	Satisfaction—Ademption of legacies. <i>Ex parte Pye</i>	ii. 553
104.	Performance of covenants. <i>Wilcocks vs. Wilcocks</i>	ii. 602
106.	Discharge of sureties. <i>Rees vs Berrington</i>	iii. 529
108.	Relief against penalties—Liquidated damages. <i>Peachy vs. Somersel</i>	iii. 648
	Conditions in restraint of marriage. <i>Scott vs. Tyler</i>	ii. 340

ADAMS.
Page.

LEADING CASES.

MORTGAGES, PERFECT AND IMPERFECT.

110.	Tacking—Future advances. <i>Marsh vs. Lee</i>	i. 594
111.	Redemption—Conditional sale. <i>Thornborough vs. Baker</i>	iii. 594
123.	Equitable mortgages. <i>Russell vs. Russell</i>	i. 649
127.	Vendee's lien for unpaid purchase money. <i>Mackreth vs. Simons</i>	i. 336

CONVERSION, ETC.

135.	Conversion generally. <i>Fletcher vs. Ashburner</i>	i. 775
138.	Resulting trust, on failure of purposes of conversion. <i>Ackroyd vs. Smithson</i>	i. 809
152.	Notice of trusts, &c. <i>Le Neve vs. Le Neve</i>	ii. 127
156.	Liability of purchaser to see to application of purchase money. <i>Elliot vs. Merryman</i>	i. 97
159.	Purchaser without notice. <i>Basset vs. Vosworthy</i>	ii. 49
163.	Tacking of incumbrances. <i>Marsh vs. Lee</i>	i. 594

RE-EXECUTION, RESCISSION, AND CANCELATION.

168	Correction of instruments on the ground of mistake. <i>Woollam vs. Hearne</i>	ii. 651
173.	Mortgage by wife of her separate property for husband's debt. <i>Huntingdon vs. Huntingdon</i>	iii. 577
180.	Fraud on marital rights. <i>Stralmore vs. Bosses</i>	i. 438
184.	Undue influence. <i>Huguenin vs. Baseley</i>	iii. 94
185.	Fraud on Powers. <i>Aleyn vs. Belchier</i>	i. 420
186.	Sales by expectant heirs, &c. <i>Chesterfield vs. Janssen</i>	i. 546
189.	Compromises of doubtful rights. <i>Stapilton vs. Stapilton</i>	iii. 380

INJUNCTION.

194.	Injunction against proceedings at law. <i>Earl of Oxford's Case</i> ...	iii. 154
208.	Equitable waste. <i>Garth vs. Cotton</i>	i. 666

PARTITION, ETC.

229.	Partition. <i>Agar vs. Fairfax</i>	ii. 625
237.	Confusion of boundaries. <i>Wake vs. Conyers</i>	ii. 615

PARTNERSHIP.

246.	Partnership—Real estate. <i>Lake vs. Gibson</i>	i. 224
------	---	--------

TESTAMENTARY ASSETS.

252.	Equitable assets. <i>Silk vs. Prime</i>	ii. 287
261.	Primary liability of personalty—Exoneration. <i>Ancaster vs. Mayer</i>	i. 612
262.	Specific legacies—Ademption. <i>Ashburner vs. Macguire</i>	ii. 473
	Donatio mortis causa. <i>Ward vs. Turner</i>	i. 838

CONTRIBUTION, ETC.

266.	Contribution between co-sureties—Exoneration. <i>Derring vs. Winchester</i>	i. 131
274.	Marshaling assets. <i>Aldrich vs. Cooper</i>	ii. 198

INFANTS, ETC.

278.	Guardianship of minors. <i>Eyre vs. Shaftesbury</i>	iii. 208
------	---	----------

THE LAW OF TORTS OR PRIVATE WRONGS. By FRANCIS HILLIARD, author of "The Law of Mortgages," "The Law of Vendors and Purchasers," &c. In two volumes. Boston: Little, Brown & Company. 1859.

The law of *Torts* is certainly a subject which has much professional importance, and comprises a comprehensive and enlarged field of jurisprudence. The idea of compiling a book on this subject is a new one, and the matter deserves professional consideration. To some extent the books on evidence, *nisi prius*, and pleading, cover this field, but the arrangement of Mr. Hilliard is perhaps more logical and strictly philosophical than any one that is familiar to the profession. "To consider wrongs," says he, "as merely incidental to remedies; to inquire for what injuries a particular action may be brought, instead of explaining the injuries themselves and then asking what action may be brought for their redress, seems to me to reverse the natural order of things; to give a false view of the law as a system of forms rather than principles; to elevate the positive and conventional above the absolute and permanent."

It certainly is not to be denied that this view has force in it, and Mr. Hilliard has expanded his idea in the two handsomely printed volumes before us. The work seems well done, and will not fail to aid the practitioner; but we cannot venture to pronounce a hasty judgment upon labors in some respects quite original. We are sure, however, that a gentleman of Mr. Hilliard's distinguished legal attainments would not present to his fellow laborers any work that did not deserve a careful study and amply repay investigation into its pages.

A LAW DICTIONARY, adapted to the Constitution and Laws of the United States of America and of the several States of the American Union, with references to the civil and other systems of foreign law. By JOHN BOUVIER. Ninth edition, revised, improved, and greatly enlarged. 2 vols. royal 8vo. Philadelphia: Childs and Peterson, 602 Arch street. 1860. pp. 692, 745.

A good law dictionary is one of the books which every lawyer must have. It seems almost useless to do anything more than call attention to the fact of a new edition of so well known a book as Judge Bouvier's. It has been in use in the offices of our brethren for a number of years, and there can now be no question as to its merits. It is continually at the elbow of the student, and his daily studies can scarcely be carried on without reference to its pages. This edition is much enlarged, and thereby greatly improved, and wholly adapted to American jurisprudence. It

would seem as if the time was fast coming when we must have our own books wholly independent of Westminster Hall, books adapted to our own atmosphere, prepared by American jurists for American lawyers. The statutory changes in England have so modified the common law that English treatises have ceased to command the study once given to them, and the profession eagerly seek American annotations and original books. So far as a good law dictionary is concerned, this want is fully supplied by the learned labors of the late Judge Bouvier, who has passed from among us recently, but left enduring monuments of his industry, skill, and professional learning.

THE MOST MATERIAL PARTS OF KENT'S COMMENTARIES REDUCED TO QUESTIONS AND ANSWERS. By JOHN C. DEVEREUX, Counsellor at Law. New York: Published by Dewitt & Blood. 1860. pp. 418.

We have no very high opinion of books which are intended as "lifts to the lazy." Law is not to be studied by questions and answers, by abstracts and compendiums, by analyses and digests. It can only be acquired by systematic and careful and continued study of the great text books and leading cases themselves. While we make these remarks—because, as matter of principle, we will not delude the student into a notion that he can conquer jurisprudence in any cheap and easy method—we don't mean to deny that works such as the one before us may have their value. It is not against their use that we protest, but against their abuse; it is not against them for such aid as they give, but against them because they leave so much ungiven; because they are fragmentary, and, in the nature of things, incomplete, and cannot be otherwise. It is, however, due to the learned compiler of this compendium to say, that after an examination of his book, we feel bound to approve what he has done; we complain only of what is left undone; because, from necessity, in all such compilations it must be left undone. If any student is content with a system of questions and answers upon a great work like Kent's Commentaries, he has it here as complete as any such volume can be made; but if he supposes that when he has mastered every answer and every question propounded by the author, he has conquered the Commentaries, and is master of American law, he will not travel far in his professional career before he will find his error. We commend the questions and answers, but we say most emphatically, "*petere fontes,*" read the Commentaries themselves, and conquer their profound and luminous pages as the great master left them.

UNITED STATES DIGEST: Containing a Digest of Decisions of the Courts of Common Law, Equity, and Admiralty, in the United States and England. By GEORGE SILSBEE HALE, of the Boston Bar. Vol. XII. Annual Digest for 1858. Boston: Little, Brown & Co. 1859. pp. 906.

Each revolving year brings us the Annual United States Digest, with its valuable collection of cases gathered from the entire Union. It is a compend, or finger-gid, which no practitioner can afford to be without. It is impossible to obtain, cheaply and accurately, a large mass of current decisions in any other way than through the well filled pages of this Digest. We have now used the volumes of this compilation a sufficient number of years to attest its general accuracy, and its reasonably clear distribution of the complicated and difficult titles of the law, and we doubt whether any one book used by the bar tends more to lighten their labors, or carry cases within their observation, than the highly meritorious labors of the laborious editor of the volume before us.

ANALYSIS OF AMERICAN LAW, PRESENTED IN A CHART: With Explanatory Comments. By JOSEPH W. MOULTON, Counsellor at Law. New York: John S. Voorhies, 20 Nassau street. 1859. pp. 66.

It was the fashion with the jurists of the middle ages to accompany their books with charts, wherein the reader could find a methodical and generally logical compend of the contents of the books. These charts frequently accompany Justinian, and have been attached to some editions of Gaius. In institutional works they are certainly useful. We have read this very unpretending, but most useful *libellus*, through carefully, and have an opinion which we take pleasure in expressing. Here is really a labor which has cost the author time and thought. It is an independent and original labor; it departs widely from Hale and Blackstone's analysis, and is strictly American. He who wishes to see the body of the law, its definition, foundation, superstructure, subdivisions, and classifications, will here find what he desires. And although he may not always agree with the learned author in his legal logic or law philosophy, he will find much to which his assent will be at once given, and much to which study and reflection will soon bring him. The student will find here a chart which will guide him in every step of his way, and by whose aid he can see what he has accomplished, and what he has to accomplish.