wrong to the public, is the punishment of the wrong." *Kuhn* vs. *U. S. Bank*, 2 Ash. 174.

Analagous to this, is the ruling of the Court in *The Mayor* vs. *Davis*, 6 W. & S. 269, in which it is decided that "so far as statutes for the regulation of trade impose fines and create forfeitures, they are to be construed strictly, and not liberally, as remedial laws."

This same 27th section, upon which this whole proceeding is founded, provides "that the corporate powers of the bank shall, after the making of the assignment, cease and determine, except so far as may be necessary," &c., for certain purposes specified, relating entirely to the winding up of its affairs.

Our own statutes are to be interpreted and administered, as near as may be, according to the principles of the Common Law. So say the Supreme Court, in 8 Watts, 518, and 10 Watts, 224. Every lawyer knows what these principles are, as applicable to the construction of penal statutes. We are asked to force this bank into liquidation, in disregard of the statute, upon evidence that disproves the commission of those acts that authorized the infliction of such a penalty.

Adopting the rules of construction applicable to such cases, as we feel bound to do, (although our personal predilections would have been better satisfied with a different result,) we are constrained to deny this application, and dismiss the proceedings at the cost of the relator.

Decree accordingly.

NOTICES OF NEW BOOKS.

AN ESSAY ON PROFESSIONAL ETHICS. By GEORGE SHARSWOOD. Second Edition. Philadelphia: T. & J. W. Johnson & Co., Law Booksellers and Publishers, No. 535 Chestnut street. 1860.

It gives us the greatest pleasure to call the attention of our brethren to the second edition of a little volume which cannot be too often read nor too highly commended. The suggestions made in this unpretending essay are of the utmost practical importance for all students and young professional men, inasmuch as they will not fail to act as a sure guide in professional life when surrounded by perplexities and temptations. "The object of this essay," says the learned author, "is to arrive at some accurate and intelligible rules by which to guide and govern the conduct of

professional life. It would not be a difficult task to declaim in general propositions—to erect a perfect standard and leave the practitioner to make his own application to particular cases. It is a difficult task, however, as it always is in practice, to determine the precise extent of a principle, so as to know when it is encountered and overcome by another—to weigh the respective force of duties which appear to come in conflict."

The suggestions made of the duty of the advocate to the Court, to his own client, and to his professional brethren, are worthy study and adoption. And the examples and citations by which they are enforced, are of equal interest and aptness. No part of this essay deserves more thoughtful consideration than the weighty words in which the student and practitioner is exhorted to study his profession by continual and unremitting attention to his books. No man at the bar can be fully competent to discharge the tasks imposed upon him by his daily practice without constant study of the latest and best text books and reports. A familiarity with the principles of law gives an advocate immeasurable advantage over a careless and ill-instructed professional brother, an advantage which clients and the public soon discern and avail themselves of.

Another portion of this essay which commends itself to the scholar must not be passed over. "Let polite literature be cultivated in hours of relaxation. Let him lose not his acquaintance with the models of ancient taste and eloquence. He should study languages, as well from their practical utility in a country so full of foreigners as from the mental discipline and the rich stores they furnish. He should cultivate a pleasing style, and an easy and graceful address. It may be true that in a 'Court of Justice, the veriest dold that ever stammered a sentence would be more attended to, with a case in point, than Cicero with all his eloquence, unsupported by authorities,' yet even an argument on a dry point of law produces a better impression, secures a more attentive auditor in the judge, when it is constructed and put together with attention to the rules of the rhetorical art; when it is delivered, not stammeringly, but fluently; when facts and principles drawn from other fields of knowledge are invoked to support and adorn it; when voice, and gesture, and animation, give it all that attraction which earnestness always and alone imparts." "'As soon as I found,' says Sir Samuel Romilly, 'that I was to be a busy lawyer for life, I strenuously resolved to keep up my habit of non-professional reading; for I had witnessed so much misery in the last years of many great lawyers, whom I had known, from their loss of all taste for books, that I regarded their fate as my warning.'"

PRACTICE, PLEADINGS, AND FORMS IN CIVIL ACTIONS IN COURTS OF RECORD IN THE STATE OF NEW YORK; adapted to the Code of Procedure of the State of New York; adapted also to the practice in California, Missouri, Indiana, Wisconsin, Kentucky, Ohio, Alabama, Minnesota, and Oregon. By JOHN L. TILLINGHAST and THOS. G. SHEARMAN, Counsellors-at-Law. Vol 1. New York: Lewis & Blood, Law Booksellers and Publishers, Nassau street. 1861.

"The present work is intended to cover the whole subject of practice and pleading in civil actions in courts of record in this State, without regard to the distinction between law and equity. The code of procedure, the rules of court, and the principal statutes relating to practice under the code are first given. The whole practice in courts of record is stated in the order in which it naturally proceeds in actual cases, except where subjects are so closely allied in their nature that nine lawyers out of ten would be annoyed by not finding them together. The *forms* are always given in the same place with the text of the practice relating to them, while they are distinctly numbered, so that they can be referred to separately, if desired."

It seems difficult to understand how any New York lawyer can practice without this volume, or at least without some volume of a like character. The work itself seems to be complete, and the arrangement is simple and logical. Practitioners out of the State always find some difficulty in mastering the details of practice in the individual State; but so easy and natural are the details in this volume, that any gentleman, who has a legal education, will not find it difficult to master any part of it. Should the second volume be executed with the same fidelity and with the same copiousness of learning as this, the New York bar will have great occasion to thank their learned brothers for the professional aid and light and comfort which they have bestowed upon them.