

session and refuses to deliver it up or have it recorded : *Pierce vs. Lamson*.

*Mortgage—Continuance of as Security for new Indebtedness by oral Agreement.*—Although a mortgage cannot, by an oral agreement, be continued in force as security for a new indebtedness, not embraced within the terms of its condition, yet, if such an agreement has been made, and money has been advanced in consequence thereof by the mortgagee to the mortgagor, a court of equity will not aid the latter, or one who has taken a conveyance from him with knowledge of the facts, in obtaining a release or discharge of the mortgage from the mortgagee : *Joslyn vs. Wyman*.

*Mortgage—Right of Holder of second Mortgage to compel Holder of first to use due diligence, &c.*—The holder of a second mortgage of real estate, which is subject to the mortgagor's right of homestead in a part of the premises, may, in a bill to redeem, compel the holder of the first mortgage, which is not subject to the right of homestead, after he has taken and maintained actual and exclusive possession for the purpose of foreclosure, for breach of condition, to account to him for all the rents and profits which by due diligence he might have received, including rent for the homestead : *Richardson vs. Wallis*.

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#### NOTICES OF NEW BOOKS.

REPORTS OF CASES DETERMINED IN THE SUPREME COURT OF THE STATE OF ILLINOIS, during the years 1861 and 1862. By E. PECK, Counsellor at Law. Vol. XXVII. Chicago: E. B. Myers. 1863.

We have here the twenty-seventh volume of the Reports of a State which was almost an unbroken wilderness within the professional life of many members of the bar not yet retired from active service. It seems wonderful, in reading its great number and variety of cases, that so new a state should already present so large a proportion of those important and perplexing problems which occupy the attention of the judicial tribunals in countries of more extended commerce and more advanced social and civil relations. We notice here almost all the questions discussed and determined which we should expect to find in the current volumes of reports in any of the older states. And although in none of them is there much reference to cases out of the state, we cannot perceive but

the decisions adhere as closely to established principle, and to the latest precedents even, as those of any other state. We have had occasion before to express regret, and we cannot forbear to renew the expression of our regret, that so large a proportion of the more recent decisions in the most commercial of the American states, should be pronounced and reported with so little reference to the discussions and decisions upon the same or analogous questions in others of the American states and in England. The result must very soon be, that the jurisprudence of the several states will become so completely isolated, that there will cease to exist any common bond of union among them in that respect. And although this may seem of no great importance to the careless observer or the incurious student of social and civil progress, the philosophic expositor of history cannot fail in this symptom of isolation to foresee, or to forebode, the evil consequences of having one law at Rome and another at Athens, as being but the harbinger of greater and greater disintegration, in the very woof and web of social life among us.

This result has, naturally enough, thus far been attributed to want of access to books, want of leisure in the courts, and to other temporary or accidental causes. But we apprehend that more of this is fairly to be placed to the account of the fact that many of our new states are already becoming great empires in themselves, and that they can scarcely afford any longer to play the part of mere dependencies upon the older states whose whole material wealth and business is not one-tenth of their own.

Codification too has now been carried to such an extent, in most of the states, that each state has a distinct code of its own; and it is as much as the courts can attend to, so to frame their decisions as to secure symmetrical results with reference to their own local legislation.

This volume contains a large number, and in fact a large proportion, of cases involving important interests and important principles. Among these we may mention the subjects of Currency, Corporations, Internal Communication by Railways and Navigation, Negotiable Instruments, Partnership, Equity Jurisprudence, Real Estate, Taxes and Taxation, Wills, and the Settlement of Estates.

The Reporter, Mr. Peck, with his accustomed carefulness and good taste, has given us an accurate statement and analysis of the cases, and a very thorough and exhaustive index. We trust none of the public libraries in the law will fail to secure an early copy of these reports, and, for private libraries, few state reports will be found more valuable.

L. F. R.

TREATISE ON THE LAW OF PRIVATE CORPORATIONS AGGREGATE. By JOSEPH K. ANGELL and SAMUEL ANES. Seventh edition; revised, corrected and enlarged. By JOHN LATHROP, of the Boston Bar. Boston: Little, Brown & Co.

This edition of a standard work upon an important department in the law, by the careful revision of its present faithful and pains-taking editor, is rendered, perhaps, as nearly complete as we have any reason to expect. It contains careful references to all the recent cases upon the numerous topics discussed, and the substance of the points decided is given whenever it tends in any manner to extend or qualify the text. It is scarcely necessary for us to say more than that the work fully maintains its long-established character for thoroughness and accuracy. And we cannot forbear to say, that it is refreshing, when we meet so many of a different character, to find a law book got up with such liberal pages, not of margin, but type, and of such fair paper, and so neatly and substantially bound.

I. F. R.

A TREATISE ON THE AMERICAN LAW OF EASEMENTS AND SERVITUDES. By EMORY WASHBURN, LL.D., Bussey Professor of Law in Harvard University, Author of a Treatise on the American Law of Real Property. Philadelphia: George W. Childs. 1863.

This is a book much needed by the profession in this country, and all who have become familiar with Prof. Washburn's treatise upon the Law of Real Property, will be prepared to expect, that the work of preparation would be done faithfully and acceptably. In the present work we feel reasonably sure that most of the cases, both English and American, bearing upon the questions discussed, have been carefully examined by the author, and that the points determined are faithfully and fully presented. In regard to a book embracing so many topics, and of so great extent, it is scarcely possible in a brief notice to speak much in detail. But we have examined portions of the volume with considerable care, and so far as we have been able to determine, the subjects discussed are considered in all their bearings, and the cases fully presented, which latter circumstance we esteem a great merit in a recent law book. For while we do not desire to see a book encumbered by numerous citations of cases upon points in regard to which no conflict of decision has ever arisen, it is important that the author should be able to inform us accurately of all points in regard to which extensive discussions in the courts have arisen, and especially where any considerable conflict in the decisions exist. In such cases we desire to see all the cases carefully analyzed and perspicuously presented. We feel confident the profession will find this a valuable aid and a reliable guide in the preparation of cases.

I. F. R.