

condition, along with those of the defendants who had been arrested in the action, but in what character he undertook to bind himself, does not appear in any part of the instrument. By an act of gross neglect the blanks in the printed form were omitted to be properly filled up, hence the error. In the case of *Vanhook vs. Barnett*, 4 Dev. 268, there was a similar omission in the body of the bond, of the name of one of those who signed and sealed it as a surety, and the court held the omission to be immaterial but that was the case of an administration bond, and there was no necessity for it to appear in the condition that the defendant whose name was omitted was one of the sureties. See the form of the condition of an administration bond, in the Revised Code, ch. 46 sec. 4. But in a bail bond, the condition should set forth the name of the person who is special bail, in order that it may appear in what capacity he is bound, and how he may discharge himself. As the instrument in question does not purport to bind the party as special bail, it more nearly resembles the case of a deed signed and sealed by a person who does not purport therein to be a grantor. Such an instrument cannot operate as a grant from such person, as we decided, recently, in the case of *Kerns vs. Peeler*, 4 Jones, 226. The judgment must be reversed and a *venire de novo* awarded.

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## NOTICES OF NEW BOOKS.

A TREATISE ON THE LAW OF WRECK AND SALVAGE. By WM. MARVIN, Judge of the District Court of the United States, for the Southern District of Florida. Boston: Little, Brown & Co. 1858.

The first paragraph of this book explains its origin, and the abundant necessity for its publication. The learned author says:

“A chain of islands bends around the southern point of Florida, extending in a south-westerly direction from Cape Florida, in latitude  $25^{\circ} 39' 52''$ , and longitude  $80^{\circ} 5'$ , to the Tortugas Islands, in latitude  $24^{\circ} 37' 20''$ , and longitude  $82^{\circ} 55' 10''$ , a distance of about 200 miles. About eight miles outside of these islands, and parallel with them, lies the Florida Reef—a chain of rocks of coral formation, lying underneath the surface of

the water, at depths varying from one foot to twenty feet. At several points these reefs crop out and appear above the water, forming islets: as at Loo Key, the Somberos, the Samboes and Sand Key. The principal entrance into and outlet from the Gulf of Mexico is around the point of Florida, between these reefs on the west and north, and the Bahama Islands and Cuba on the east and south. Between Key West and Havana the channel is about eighty miles wide: further to the east it is narrower, being about forty-five miles wide between Cape Florida and the Bahamas. The value of the ships and cargoes annually passing through this channel has been estimated at between three and four hundred millions of dollars. The current of the gulf stream commences at its western entrance off the Tortugas, and runs in an easterly and northerly direction, at the rate of from two to four miles an hour, increasing in velocity as it progresses, until it enters into and expends in the open Atlantic. Irregularity in the rapidity and direction of this current, the causes of which are unknown; the narrowness of the channel; bad weather; the carelessness of navigators; bad lights; and other causes, produce annually a large number of shipwrecks upon the reefs. Wreckers are constantly employed to save property thus imperiled ”

In 1821 Florida belonged to Spain, but was in that year transferred to the United States. In 1822 Congress established a port of entry at Key West. In 1828 Congress established, also, an admiralty court at this port, and the judge is empowered to license wrecking vessels; and in 1847, two years after Florida was admitted into the Union, a District Court of the United States was established at this important and sea-girt point. At this time (1858) forty-seven vessels, of about 50 tons each, navigated by eight men each, are licensed, which we are told is adequate to the wants of commerce.

This book is by the judge who presides over this district, and it certainly is equally interesting as a matter of history or matter of law. The field has heretofore been quite untrodden, and no one can fail, if he has interest in maritime affairs, to be much instructed by a careful study of the learned judge's work. We found chapters 15 and 16 the most interesting portions of the work, inasmuch as they discuss the principles of salvage and the amounts allowed to salvors. The Appendix is no unimportant portion of the book, as it contains forms of libels, decrees, protests, surveys, condemnations, &c.

It is worth while to add, that the typographical department, as usual with our Boston friends, deserves every commendation.