

NOTICES OF NEW BOOKS.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME JUDICIAL COURT OF MASSACHUSETTS. By CHARLES ALLEN. Volume VI. Boston: Little, Brown & Company, 1864.

We have another volume of Mr. Allen's valuable Reports, which contains many important cases, thoroughly considered and carefully-reported. The subject of corporations, especially railways, occupies a large space in this volume. The question of easements, of light, air, and exemption from annoying or offensive trades and occupations attached to dwelling-houses, is here carefully reviewed by the court. And that is a subject beginning to occupy a large share of interest and attention in the cities and large towns in this country, as it long has done in England. We hope to present our readers with a paper upon the subject before many months.

I. F. R.

A TREATISE ON THE LAW OF DOWER. By CHARLES H. SCRIBNER. In two vols Volume I. Philadelphia: J. B. Lippincott & Co., 1864. Shp., \$6.

It was anciently said that the law had three favorites, life, liberty and dower. Without discussing the reasons why a mere right of property should have been thus classed with the highest personal rights, we may say, that few subjects of so much importance have received so little separate treatment, and especially in the United States, where, if we except the brief though admirable compendium of Chancellor Kent (4 Comm.), and the small volume by Mr. Lambert, published in 1834, we have had no original work devoted to this important branch of the law.

In a great degree, doubtless, this has been attributable to an idea very general among the profession, that the common law doctrines, though forming the basis of the system in all the states, had been so universally and so materially changed by statutory enactments, that they could not be reduced to a systematic American treatise within any convenient limits.

The profession, we think, will be agreeably surprised to find how completely the work of Mr. Scribner has shown the error of this popular notion. The changes, though made at different times and expressed in every variety of legal phraseology, are shown to have followed, perhaps unconsciously to the innovators, the clear current of American opinion, which, in extending the modern principles of liberal equity into the

strongholds of ancient and technical law, has tended constantly towards the protection of woman in her rights of property, and the clearing away from marriage of its ecclesiastical clothing as a sacrament, to leave it in its true form of a civil contract.

In view of the want of recent treatment of the subject, and not forgetting the responsibility of a first book, which prevents future working of what might have been good ground, it is very satisfactory that the present work should have fallen to such competent hands.

The opening chapters contain a careful and learned summary of the origin and nature of dower at common law, with references to early authorities and discussions of some controverted points in its history, both in England and in the various states of the Union, treated with a minute historical fidelity, at once interesting and exceedingly valuable.

In the ensuing chapters, after discussing various collateral questions, such as marriage, alienage, &c., the subject is taken up in a scientific and yet practical manner in all its numerous details. So much more carefully and completely arranged under scientific subdivisions is this work than any other we have seen on the subject, that we think few lawyers will read over the list of headings of the chapters, without surprise at the variety of aspects in which so familiar a subject has been presented.

The style of Mr. Scribner is clear, careful, and unambitious, avoiding the argumentative, and giving his conclusions with unusual conciseness. We have somewhat critically examined the portions of the book relating specially to the law of the states with which we are most familiar, and think very highly of the extent of Mr. Scribner's researches, as well as the conscientiousness and accuracy of his handling. The work is a credit to the profession in America, and will not only at once become the standard text-book on the subject, but leaves little room to invite a rival.

J. T. M.

REPORTS OF CASES DECIDED IN THE SUPREME COURT OF PENNSYLVANIA. By BENJAMIN GRANT. Volume III. Philadelphia: John Campbell, 1864. Shp. \$4.

The bar of this state is already familiar with Mr. Grant's Reports, and would need nothing farther than the announcement of a new volume; but for the information of the profession out of the state, it may be well to say a few words in explanation of the appearance of a series of reports simultaneously with that bearing the name of the state and yet distinct from it.

The judges of the Supreme Court are compelled by law to write their opinions in every case, and hitherto they have shown a perhaps commendable spirit of obedience to the will of the legislature. But the consequence has been, that instead of a merely nominal compliance in cases unimportant to the general enunciation of the law, thus to gain time for more ample justice to cases worthy of it, the court has given to all something like an equality of attention, and from the press of business, from deference to the desires of parties or counsel, or perhaps from a natural tendency to estimate the importance of things by the trouble of performing them, the judges have marked a very large majority of the cases decided by them to be reported.

Hence the reporter, who is limited by law to a certain number of volumes during his term, has always found himself embarrassed by the quantity of material on his hands, and, of necessity, leaves unused a large number of opinions, among which may be some that a greater command of space, or a more mature consideration, might have deemed worthy of insertion. Hence the present series originated. In our opinion the system, like that of nearly all the other states, is very bad; but while the law is so we are pleased to see the work well done, as it is by our present reporter and his co-laborer Mr. Grant. The cases themselves, as we have shown, are of equal authority with those in the regular reports, and Mr. Grant's two previous volumes have always been relied upon and cited by the profession with confidence. The state reporter enjoys the advantage of having the paper-books of counsel, the want of which is sometimes a source of much trouble to Mr. Grant, but the latter has an advantage which we think more than compensates, in the liberty of publishing dissenting opinions, from which the reporter is most absurdly debarred. Mr. Grant's present volume contains a large number of decisions made in banc during the last six or eight years, and some recent ones at *Nisi Prius*. Among the latter are several very important cases on the Act of 1863, for the removal of causes from state to federal courts (*Hodgson vs. Millward*, p. 412), and on the constitutionality of the Act of March 3, 1863, commonly called the Conscription Act, some of which, contained in the notes are new, and will be found of great and general interest.

In conclusion, we should not omit to say that Mr. Campbell, already well known to the profession as a dealer in law books, has made his entrance among publishers in a manner that promises to keep up the high reputation of Philadelphia publishers for style and finish of workmanship.

J. T. M.