

## NOTICES OF NEW BOOKS.]

THE VERMONT JUSTICE; BEING A TREATISE ON THE CIVIL AND CRIMINAL JURISDICTION OF JUSTICES OF THE PEACE, FOR THEIR USE AND THAT OF THE JUNIOR MEMBERS OF THE BAR. By M. L. BENNETT, late Judge of the Supreme Court of Vermont. Burlington: 1864.

We have here a carefully prepared volume of eight hundred pages, upon the duties of justices of the peace. The topics are judiciously selected and arranged, so as to exhaust the subject, and are treated in so condensed and intelligible a manner as to be easily understood by the unprofessional, and at the same time to afford much aid to those in the profession who are called to transact any of the large amount of important legal matters now coming within the jurisdiction of justices of the peace.

We have examined the book with care, and find it to contain a very large amount of the most useful and indispensable information upon all the subjects connected with the justice jurisdiction in that State; and in regard to which, from the well-known learning and accuracy of the author, there can be no ground to question their entire reliability. We feel no hesitation in recommending it to all that numerous class of persons interested in the subjects there discussed, as containing the greatest amount of the most reliable information in the most convenient and accessible shape. We only regret that it is not equally adapted to the same purposes in other States; but we suppose this would be impracticable, without either extending the work too far, or materially lessening its completeness. The book contains accurate and reliable forms for all emergencies before justices of the peace, even forms of records for convictions for contempt.

I. F. R.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME JUDICIAL COURT OF MASSACHUSETTS. By HORACE GRAY, JR. Vol. 11. Boston: Little, Brown & Co., 1864.

This is one of the last of Mr. Gray's expected volumes of Reports. In common with all its predecessors, it contains much valuable matter in the most unexceptionable form.

It is probably known to the profession, that the learned author of these volumes has very recently been promoted to the bench of the Supreme Judicial Court, where his friends, and they embrace the whole profession and the general public, confidently expect for him a long career of laborious industry and eminent usefulness. The appointment of Mr. Justice Gray is of the most unexceptionable character; and we cannot forbear to say here what concerns the public welfare in more

ways than it is easy to name or to comprehend, to know and to feel, that any executive possessing the power of judicial appointment with an unlimited extent of selection, and who does not so exercise that power as to satisfy the general public of all parties, commits a grievous sin against his own conscience and the stern demands of justice. That man, or that class of men, who bestow judicial appointments to gratify party or to remove rivalry, richly deserves all the infamy which posterity will be very sure to mete out to him.

I. F. R.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPERIOR COURT OF THE CITY OF NEW YORK. By JOSEPH BOSWORTH, LL.D., late Chief Justice of the Court. Vol. 8. W. C. Little, Albany. 1864. Pp. 753.

We have had occasion heretofore to commend Justice Bosworth's Reports in this journal, and regret to add that this is, no doubt, the last volume which we shall have from his able pen. So much conscientious diligence has rarely been given to any series of reports. They were prepared under very favorable circumstances, as the reporter, owing to his official position, had peculiar advantages for consultation with the judges who decided the cause, and well knew what cases were carefully studied and deserved to be reported. There are some cases of much interest in this volume. One of these is *Young v. Bushnell*, p. 1, in which there is a valuable examination of the law of estoppel *in pais*. There is also a branch of the extensive litigation growing out of the divorce of Forrest, in which it is held, approving § Bosworth 661, that on a divorce of a wife for a husband's adultery, no evidence of the reputation, conduct, associations, or habits of the wife, since the judgment of divorce was pronounced, is admissible to affect the question of alimony: p. 631.

A large part of the present volume is edited and prepared for the press by the Messrs. Abbott, who are favorably known to the profession as the editors of Abbott's Digest, and who have performed their part of the work with ability and fidelity.

T. W. D.

A SUMMARY OF THE LAW OF PARTIES TO ACTIONS AT LAW AND SUITS IN EQUITY. By OLIVER L. BARBOUR, LL.D. Albany: W. C. Little, Law Bookseller. 1864. Pp. 611.

This work is one that was much needed. The preface informs us that there is "no American treatise on the subject of parties to actions at law, and only one on parties in equity; and that having been published more than thirty years ago, and long since out of print." The changes which have been introduced into the law upon this subject by statute, and especially by the Code of Procedure in New York, are noticed, and the decisions of the courts construing these statutes are fully collected.

The work is comprehensive in its plan, and prepared with care and

accuracy. It well deserves the patronage of the profession generally, and will prove especially serviceable to practitioners in the state of New York and the other states which have substantially adopted the New York Code of Procedure.

T. W. D.

THE CODE OF PROCEDURE OF THE STATE OF NEW YORK AS AMENDED TO 1864, WITH NOTES, AN APPENDIX AND INDEX. Eighth Edition. By JOHN TOWNSEND. New York: John S. Voorhies, 20 Nassau Street. 1864. Pp. 1002.

This work is so well known to legal practitioners in the state of New York that it is only necessary to notice its appearance. The fact that it has passed through eight editions is a sufficient guarantee of its value. The arrangement of the book is an annotation upon the sections, so that it is highly convenient for immediate use. The decisions incorporated in the volume include all the reports published to June of the present year. We have observed a steady improvement in this work since its first appearance. We would especially commend the condensed and tabular view of the law which it gives in many instances. Thus on the 36th and 37th pages there is a brief statement of what a judge at chambers can do and what he cannot do; on the 403d and 404th pages there is a collection of the cases in which an injunction has been allowed and when it has been refused. This arrangement might be even more extensively introduced as a summary of the results of the decisions upon the various sections, as it would enable a practitioner to determine at a glance upon the authorities which bear upon a point under consideration.

T. W. D.

RULES OF LAW FOR THE CARRIAGE AND DELIVERY OF PERSONS AND PROPERTY BY RAILWAY, WITH THE LEADING STATUTES AND DECISIONS OF ILLINOIS, INDIANA, MICHIGAN, OHIO, PENNSYLVANIA, NEW YORK, AND THE UNITED STATES. Prepared for Railway Companies and the Legal Profession. By CHARLES C. BONNEY, Member of the Illinois Bar, Chicago. E. B. Myers, Law Bookseller and Publisher. 1864.

A small work of two hundred and odd pages, unique in plan, unambitious but containing in a compendious form a satisfactory answer to the most common questions arising as to the rights and liabilities of carriers by rail. If every railroad company would put this little book into the hands of its employees, so simple, intelligible, and accurate are its statements of statutes and decisions, we are satisfied the expense would be many times saved to them every year.

For the lawyer it has the merit of presenting a digest of an important title of the law, in a succinct, orderly, and attractive manner. The value of the book is much increased by a very full table of contents and index—accessories to any book worth reading at all, for which one most willingly pays.

J. A. J.