

called to meet at Marion, on the 30th of May: *Held*, that the obligation of a subscriber did not become inoperative by the omission of the convention to choose trustees at the place and on the precise day mentioned; but that an election of trustees at a subsequent day, to which the convention had been adjourned after meeting at Marion on the day named, was a substantial compliance with the stipulation of the subscription. *The Wayne and Ontario Collegiate Institute vs. Greenwood.*

NOTICES OF NEW BOOKS.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME COURT OF JUDICATURE OF THE STATE OF INDIANA. By MICHAEL C. KERR, Official Reporter. Containing the Cases at May Term, 1863, &c. Vol. XX. Indianapolis: 1863.

We have received this volume of reports from the Reporter, and have read many of the cases with considerable interest. A large proportion of the decisions are merely of local concern, as is the fact in all the State Reports. Those which are of general interest appear to have been prepared and argued by the counsel with commendable zeal and thoroughness; and the opinions of the Court manifest a creditable industry and watchfulness in regard to the state of the law elsewhere as well as in that State. But there is here, as everywhere out of the large cities, a deficiency in the means of learning the true state of the law out of the immediate State. We had been struck with that fact in regard to the cases in that State upon the law of railways, and some other subjects, which we have had special occasion to examine, that while they were decided upon just and sound principles, it had often been done by means of elaborate analysis and exposition, long after the same principles had been established in other states and countries, and apparently, without being aware of that fact. But we have always found the cases in this State well considered, and generally well decided.

This volume is carefully prepared by the Reporter, and the head notes briefly and accurately drawn up, and we are glad to find the point of each note indicated by a single word or two, at the beginning, and this is carried into the index. Those reporters who omit this little matter, are not aware how essentially it lessens the value of their books. A law book should exhibit the labor of the author in such a manner as to save the labor of those who use it. And we are sorry to be compelled to say, that too many law books exhibit the marks of being labor-saving instruments chiefly to their authors. A law book should be reliable in its references,

and so arranged that its contents may be made available with the least labor or confusion.

This volume exhibits the same defects as all the late State Reports, where every case is required to be reported; it is crowded with an infinite number of useless cases, and by consequence the important cases are far too briefly discussed, and the arguments of counsel almost entirely excluded. The attempt, too, at simplifying pleadings, by means of codes of practice, makes more controversy than it saves.

There are some cases in this volume which do not seem to admit of any question; as for instance, whether a licensed vender of spirituous liquors can carry on his business through the instrumentality of an agent: *Pickens vs. State*, p. 116. And some others, which are decided contrary to what we had supposed the law to be: as in *Roy vs. McMurtry*, p. 307—that where the maker of a promissory note is inquired of by a person who had already purchased the note, as to its validity, and he answers that it is all right, and that he will pay it, and agrees to pay ten *per cent.* interest for an indefinite delay of payment, to which the holder of the note assents, by waiting until his assignor becomes insolvent, such facts will not estop the maker from defending against an action upon the note on the ground of a failure of the consideration! But the question of estop-pels in pais is one of great uncertainty; but if any case is clear from all doubt, we should have supposed this was.

I. F. R.

THE PRACTICE IN PROCEEDINGS IN THE PROBATE COURTS, &c., &c. With an Appendix of Practical Forms; designed for the use of Executors and others having business in the Probate Court. By WILLIAM L. SMITH, Counsellor at Law. Boston: Little, Brown & Co. 1863.

We have received this compend of probate law and practice, of 365 pages, 12mo., which appears to us a very useful and convenient book for such persons as it is designed to aid—those who have occasion to transact business in the probate courts, but are not educated to the profession. And it is certainly a useful book even to professional men.

I. F. R.

REPORTS OF CASES DETERMINED IN THE SUPREME COURT OF THE STATE OF ILLINOIS, at April and November Terms, 1862, and January Term, 1863. By E. PECK Counsellor at Law. Vol. XXIX. Chicago: E. B. Myers, 1863.

This volume of Mr. Peck's reports contains an unusual number and proportion of valuable cases; cases where the questions involved are important and difficult, and where they have been elaborately considered by the court and the counsel, and where the briefs of counsel are given at

length, as to the points upon which the case is made to turn. Such cases are valuable to the profession throughout the country. There are many cases of this character in the present volume, among which we would refer to *Curtiss vs. Brown*, p. 201; *Nicoll vs. Ogden*, p. 323; *American Express Co. vs. Pinckney*, p. 392. From the cursory examination we have been able to give it, the volume seems to us a very valuable one.

I. F. R.

A TREATISE ON THE LIMITATION OF ACTIONS AT LAW AND SUITS IN EQUITY AND ADMIRALTY; with an Appendix containing the English and American Statutes of Limitations. By J. K. ANGELL. Fourth Edition, Revised and greatly Enlarged. By JOHN WILDER MAY, Counsellor at Law. Boston: Little, Brown & Co. 1861.

We venture to call attention to Mr. May's edition of Mr. Angell's excellent work on Limitations. Mr. Angell was one of the most accurate and reliable of the American law writers, and this is one of his most carefully prepared works; and Mr. May seems to have faithfully performed the office of a careful editor, in bringing the authorities upon the several questions discussed down to the time of publication. It is a book which all practical lawyers will find of indispensable use. We have heard a tradition, which we regard as authentic, that Lord Brougham, in a letter addressed to the author, not many weeks before his death, pronounced this the most complete and able treatise upon the subject which the bar of England and America has yet produced. We are sure no one at all familiar with the work would be inclined to attribute this opinion to any of his lordship's peculiar idiosyncrasies upon the law. We should certainly regard this opinion as entirely normal, whatever we might feel compelled to say of some of his lordship's speculations upon the law.

I. F. R.

A TREATISE ON THE LAW OF SALES OF PERSONAL PROPERTY, WITH ILLUSTRATIONS FROM THE FOREIGN LAW. By WILLIAM W. STORY. Third Edition, with large Additions to the Text and Notes. By J. C. PERKINS. Boston: Little, Brown & Co. 1862.

This edition of Mr. Story's valuable treatise upon the Law of Sales, seems to have been prepared with Mr. Perkins's usual painstaking and laborious research. Few cases of much value have escaped his careful scrutiny, and we believe the work is by far the most perfect upon the subject now in use. We commend it to the favorable consideration of the profession. It is scarcely needful to add, that the mechanical execution of the book is all that one could desire.

I. F. R.