

*Effect of demanding too much.*—Assuming that a demand is necessary in such a case, but where it is clear that the purchaser has failed to perform the contract, on his part, if he be excused from performance by reason of the vendor having demanded too much, the judgment should be that the vendor give a deed upon the payment of a proper amount: *Id.*

## WAY.

*Right of Way—Possession of—Notice.*—The use as a passway of an unenclosed alley in a city, by one owning an adjoining lot, is not notice to the world that the party so using it claims an exclusive title to the alley, if it be so situated that the occupants of other adjacent lots might also use it: *Gorden v. Sizer*, 39 Mi.

A right of way is a mere incorporeal hereditament, of which the actual and visible possession requisite in law to constitute notice is not predicable: *Id.*

*Ejectment—Effect of Judgment in, where right of Way is involved.*—If a person owning a right of way in common with the owner of the fee stop up the way and appropriate it exclusively to his own use, the owner of the fee may recover possession by an action of ejectment, but the recovery will not interfere with the defendant's right to use the way according to his title: *Id.*

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LIST OF NEW LAW BOOKS RECEIVED BY THE PUBLISHERS  
OF THE AMERICAN LAW REGISTER.

CONKLING.—Powers of the Executive Department of the Government of the United States. By ALFRED CONKLING. 16mo. pp. 139. Albany: W. C. Little. Cloth, 75 cts.

GIBBONS.—The Public Debt of the United States—its organization; its liquidation; administration of the Treasury; the Financial System. By J. S. GIBBONS, Author of "The Banks of New York and the Clearing House." 12mo., pp. 276. New York: C. Scribner & Co. Received from J. B. Lippincott & Co.

ILLINOIS.—Reports of Cases, at Law and in Chancery, argued and determined in the Supreme Court of Illinois. By NORMAN L. FREEMAN. Vols. 35 and 37, pp. 648, 611. Chicago: E. B. Myers & Chandler, 1866.

NOTT AND HUNTINGTON.—Cases in the Court of Claims of the United States in 1863–1865, with Rules of Practice and Acts of Congress relating to the Court. Reported by C. C. NOTT and S. H. HUNTINGTON. 8vo. pp. 427. Washington: Morrison's. Sheep, \$5.

PENNSYLVANIA.—Reports of Cases adjudged in the Supreme Court of Pennsylvania. By P. FRAZER SMITH, State Reporter. Vol. 1, being Vol. 51 of the Series, containing Cases of October Term, 1865, and January Term, 1866. 8vo. pp. 576. Philadelphia: Kay & Brother, 1867. \$4.50.

WESTERN JURIST.—A Bi-monthly Law Magazine. Vol. I., No. 2, April, 1867. Des Moines, Iowa: Mills & Co., Prs.