

TENDER.

Contract—Payment.—To make a tender of payment of money valid, as a general rule, the money must be actually produced and proffered unless the creditor expressly or impliedly waive its production. The creditor may not only waive the production of the money, but the actual possession of it in hand by the debtor. Nor is the debtor bound to count out the money if he has it and offers it, when the creditor refuses to receive it. A tender puts a stop to accruing damages or interest for delay in payment, and gives the defendant costs when sued for the debt: *Berthold v. Reyburn, et al.*, 37 Mo.

Payment—Demand.—A party making a tender of payment, must be always ready to pay the amount tendered. To avoid the plea of tender by a subsequent demand, the creditor must show a demand of the precise sum tendered. The demand must be made of the debtor personally: *Id.*

VENDOR AND PURCHASER.

Equitable Title in Purchaser.—A purchaser, by the purchase and payment of the price of land, acquires the entire equitable title; and the vendor only holds the naked legal title, without any real interest, in trust for him, and cannot convey it to another without his consent. And if such consent is never in fact given, the title will not pass from the vendor, by his conveyance to another: *Fonda v. Sage et al.*, 46 Barb.

WILL.

Subscribing Witness.—It is not a sufficient attestation of a will for a subscribing witness to write his name in the absence of the testator, and in anticipation of the testator's signature, although he afterwards acknowledges it in the presence of the testator and of the other subscribing witnesses: *Chase v. Kittredge et al.*, 11 Allen.

 LIST OF NEW LAW BOOKS RECEIVED BY THE PUBLISHERS
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DRAKE.—A Treatise on the Law of Suits by Attachment in the United States, by CHARLES D. DRAKE, LL.D. 3d ed., Revised and Enlarged; with an Appendix, containing the leading statutory provisions of the several states and territories of the United States, in relation to suits by attachment. Boston: Little, Brown & Co. 1866.

HILLIARD.—The Law of Torts or Private Wrongs. By FRANCIS HILLIARD. 3d ed., Revised and Enlarged. 2 vols. Boston: Little, Brown & Co. 1866.

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