

Where agents, within two hours after giving notice to their principal that a further margin was required, no time being specified for compliance, sold the stock and rendered an account of sales. *Held*, that the court could not hold, without further evidence, that reasonable time for performance had been given. That to decide that point, as matter of law, the facts should appear, by which the court could say the party was able within the time given, to do the act required, and therefore that the time was reasonable: *Id.*

Ratification of Sale by Agents.—Where the owner of stocks received information of a sale thereof by his agents, in May, and remained silent until September, when he demanded an account of sales, which was sent to him, with a check for the balance due him, which he indorsed and collected, *Held*, that this amounted to a full *ratification* of the sale; and that it was too late for him afterwards, to seek to set it aside: *Id.*

NOTICES OF NEW BOOKS.

THE CONSTITUTIONAL CONVENTION; its History, Powers, and Modes of Proceeding. By JOHN ALEXANDER JAMESON, Judge of the Superior Court of Chicago, and Professor of Constitutional Law, &c., in the Law Department of Chicago University. 8vo., pp. 561. New York: Chas. Scribner & Co. 1867.

We have had the above-named work upon our table for several months past, and have been unwilling to speak of it until we could find an opportunity, not easily obtained in the pressure of various duties, to read it carefully and completely through.

In no other country could such a book have been produced, and certainly at no other time even here could it have been produced so opportunely. Constitutional conventions are a peculiar feature of the political institutions of the United States, and at present, of all times in our history, their "powers and modes of proceeding" are of the most vital interest. The principles of popular government occupy the conversation of nearly all men in this country, and from the foundation of the government there have never been wanting men of master minds who have given to political science a profound study. But the conflict of interests and the discussion of principles has generally been upon the construction of written constitutions and the practical powers of the government or its officers under them. Judge JAMESON however has gone deeper, and in the present work has examined the legal powers of the people themselves in the formation of their governments and the principles by which they are properly guided in the establishment or change of constitutions under the forms of law. In one sense this may be called an inquiry into the precise limits of the ultimate right of revolution and the proper or justifiable occasions for its exercise. In the course of this inquiry many topics of the most vital and permanent political interest from the foundation of the American governments down to the changes of fundamental law now in process, come under discussion, and perhaps there is no better

way of conveying an idea of the work in a notice necessarily brief than by an enumeration of the topics treated and the order of their discussion.

Chapter First treats of the various kinds of conventions—the spontaneous convention or public meeting, the legislative or General Assembly, the revolutionary, and the constitutional convention proper. From this the author passes to a close analytical discussion of Sovereignty, its definition, its marks and attributes, its modes of asserting itself, and its *locus* as a question of fact in the United States, the several states, and the people of America. Chapter Third treats of Constitutions, as objective facts and as instruments of evidence, and the internal structure of American constitutions in general. Chapter Fourth, of the Requisites to the Legitimacy of Conventions, and their history—including the mode of calling a convention (with a detailed historical sketch of the American conventions held from 1775 to the present time), and the proper election of conventions. Chapter Fifth, of the Organization and Mode of Proceeding of Conventions. Chapter Sixth, of the Powers of Conventions, including their powers with reference to their external relations, particularly to the sovereign or to sovereign rights, to the state as a whole, to the electors, and to the several departments, executive, legislative, and judicial, of the government, and their powers with reference to their internal relations, to their organization, maintenance of discipline, and the prolongation or perpetuation of their own existence. Chapter Seventh, of the Submission of Constitutions to the People. And Chapter Eighth, of the Amendment of Constitutions. To these are added an Appendix containing A List of all the Conventions held in the United States; The objections of the New York Council of Revision to the New York Convention Act of 1820; The opinion of the Supreme Court of Massachusetts on the powers of conventions to propose amendments to the constitution; The opinion of the Supreme Court of New York on the power of the Legislature to modify a Convention Act which has been voted on by the people; and the Official Proceedings culminating in the reassembling of the Louisiana Convention of 1864 in July 1866.

From the foregoing it will be seen that this is a treatise on the fundamental constitutional law, exhibiting a comprehensive grasp of the subject, a good analytic method, and profound and faithful research, and cannot fail to do much to correct the crude general notions as to the indefinite powers of conventions.

It is scarcely necessary to say that the style of the book is strictly legal, and while dealing of course with subjects of the profoundest political interest, it is calm and dispassionate, with no trace of partisan bias in any direction. The topics are treated philosophically, in a liberal, critical, but not dogmatic style and are illustrated copiously and with much detail by examples in American political history. Altogether it is a contribution to general and constitutional jurisprudence of which the country may well be proud, and we heartily commend it to the notice of the profession as well as to the student of our political history

J. T. M.

REPORTS OF CASES ARISING UPON LETTERS-PATENT FOR INVENTIONS, determined in the Circuit Courts of the United States. By SAMUEL S. FISHER, Counsellor-at-Law. Vol. I., 8vo., pp. 700. Cincinnati: Robt. Clarke & Co., Printers. 1867. \$25.

It is not often that an active and very successful practitioner steps aside from his daily treadmill of practice to try his hand in the equally laborious but different task of reporting. It was therefore with much pleasure and some curiosity that we took up the above substantial volume from the pen of one of the busiest members of the profession. Being reports of cases upon a special department of the law, with which we have only the most limited acquaintance, we do not propose to say much upon the decisions, though we have read many of them with an interest akin to that excited by a romantic chapter in history. "There is not a case in the books," says a brilliant and witty pamphleteer, unfortunately anonymous, "that does not stand like an Alpine cross to mark the scene of some tragic event;" and no one can look through this volume without feeling impressed with the labors, the trials, the disappointments, and the only occasional triumphs of inventors even in this land of ready appreciation of mechanical genius. We meet here also with more or less fulness, the history of the principal American inventions that have attracted public attention in the last twenty years, among which we may name the Electric Telegraph, the Sewing Machine, the Reaping Machine, the Repeating Fire-Arms of various kinds all founded on the yet unrivalled Colt's Revolver, the Goodyear India Rubber, Fire-Proof Safes, Janus Faced Locks, and others perhaps only a little less important though not popularly so well known.

The design of the reporter is, we believe, to collect all the unreported cases upon patents, hitherto decided in the courts of the United States, and to do this it has been found necessary to add a second volume. This will give the profession a complete body of American patent law so far as it has been the subject of judicial exposition, and the workers in this specialty are under very great obligations to Mr. Fisher for the thorough, laborious, and satisfactory manner in which he has performed his work. The cases are arranged chronologically, and are admirably reported with as much brevity as the intricacy of statement required to make clear the points involved, would permit. Incidentally a good deal of law is contained in the book, not exclusively applicable to patents, much of course that is not new, but much that may be read with profit even by the general practitioner.

In conclusion we may say that the book, which is printed by Messrs. Clarke & Co. for the reporter, is by far the handsomest piece of work that we have ever seen from the Western press, and would do credit to any publishing house in the country. On one point only we are forced to give it our condemnation, and that is the deep pink tint of the paper, which we found exceedingly trying to the eye, especially at night.

We understand that a very small edition has been printed, and advise libraries and patent lawyers to be prompt in securing the few remaining copies.

J. T. M.