

RELEASE.

How pleaded in Equity.—A plea of release is not void because it is not stated in the plea or the answer in support of it that the release was obtained freely and without fraud, when the bill contains no allegation of fraud: *McClane's Adm'x. v. Shepherd's Ex'r.*, 6 C. E. Green.

Such issue cannot now be raised by special replication. The modern practice is to permit the complainant to amend his bill by inserting allegations which will raise the issue, and require the defendant to answer as to them: *Id.*

TRUST. See *Agent—Limitations.*

VENDOR AND PURCHASER.

Sale of Stocks—Caveat emptor.—When \$1000 of the money which a mortgage was given to secure consisted in shares of a mining company, accepted by the mortgagor on the representation of the mortgagee that he had paid that much for it, but without misrepresentation or fraud by the mortgagee, the \$1000 will not be deducted from the mortgage: *Renton v. Maryott and Others*, 6 C. E. Green.

The rule of *caveat emptor* applies as well to the sale of stocks as of chattels. The vendor can only be made liable for misrepresentation or fraud: *Id.*

WARRANTY. See *Deed.*

WILL.

Power of Sale.—Where the will contains no power or direction to sell, such power is not created by implication, because necessary or convenient to enable the executors to execute the directions of the will: *Seeger's Executors v. Seeger*, 6 C. E. Green.

When express directions are given to sell and no person named to make sale, the power of sale is held to be in the executors by implication, in cases where it is their duty to distribute or pay out the proceeds: *Id.*

NEW LAW BOOKS.

BAINBRIDGE.—A Treatise on the Law of Mines and Minerals. By WM. BAINBRIDGE, Esq. 1st Am. from 3d London ed., with notes by GEORGE M. DALLAS. Philadelphia: John Campbell. 1871.

BARBOUR.—Reports of Cases in the Supreme Court of New York. By O. L. BARBOUR, LL.D. Vol. 57. Albany: Little & Co. Shp. \$6.

NIXON.—Forms of Proceedings under the Laws of New Jersey. By JOHN T. NIXON. 3d ed., by J. S. AITKIN. Trenton: Chas. Scott. Shp. \$4.

PARKER.—The Law School of Harvard College. By JOEL PARKER. Pamph., pp. 56. New York: Hurd & Houghton. 1871.

SMITH.—Manual of Equity Jurisprudence. By JOSIAH W. SMITH. 1st Am. from 9th Eng. ed. 12mo., pp. 532. Washington, D. C.: W. H. & O. A. Morrison. Shp. \$4.

WRIGHT.—Annual Report of the Commissioner of Railroads and Telegraphs of the State of Ohio, for the year 1870. Vol. I., containing the Laws relative to Railroads and Telegraphs, with notes of decisions. By GEORGE B. WRIGHT, Commissioner. 8vo., pp. 667. Columbus: Nevins & Myers, State Printers.