

Whichever party first desired to enforce performance was bound to regard his part of his contract as a condition precedent, and perform or tender performance: *Id.*

Where the vendor proceeds on his legal title, a tender is not necessary; but the conveyance will be provided for by a conditional verdict: *Id.*

A party in default has no right to insist upon rescission: *Id.*

A vendor cannot insist upon a rescission on the ground of encumbrances, when he owes unpaid purchase-money sufficient to discharge them: *Id.*

A vendor is not bound to remove encumbrances unless upon demand of the vendee for performance, and at the same time showing a readiness to perform his part: *Id.*

WATERS. See *Tenant in Common.*

WITNESS.

Credibility—Instructions.—On the trial of a party indicted for murder, the court refused to instruct the jury, on the request of the prisoner, that they would not be warranted in disregarding the statements of certain witnesses, unless their testimony had been successfully impeached, and properly so, as it was for the jury to determine, in view of all the facts and circumstances, the degree of weight to be given to the testimony of each witness: *Martin et al. v. The People*, 54 Ills.

A court can hardly err in refusing to give any instruction which seems designed to influence a jury as to the credit to be given to particular witnesses: *Id.*

LIST OF NEW LAW BOOKS.

AMERICAN TRADE-MARK CASES.—A Compilation of all the reported Trade-Mark Cases decided in the American Courts prior to the year 1871, with an Appendix containing the Leading English Cases, and the United States Act in relation to the Registration of Trade-Marks, with Constructions of the Commissioners of Patents affecting the same. Edited by ROWLAND COX. 8vo., pp. 782. Cincinnati: R. Clarke & Co. Shp. \$8.

CARUTHERS.—History of a Law Suit. A Treatise on the Practice in Suits and Proceedings of every description, from the beginning to the end, in Courts of Law. By ABRAHAM CARUTHERS. 2d ed. Cincinnati: R. Clarke & Co. Shp. \$7.50.

MARYLAND.—Reports of Cases in the Court of Appeals. Vol. 34. By J. SHAAFF STOCKETT. Baltimore: J. Murphy & Co. Shp. \$5.

MICHIGAN.—Reports of Cases in the Supreme Court. Vol. 21. By H. K. CLARKE. Detroit: Richmond & Bachus.

NEW JERSEY.—Reports of Cases in the Supreme Court and Court of Errors and Appeals. By P. D. VROOM. Vol. 5. Trenton: Nicholson & Co., Prs.

WILLIAMS.—Principles of the Law of Real Property. By JOSHUA WILLIAMS. 4th Am. ed., with notes by W. H. RAWLE and JAMES T. MITCHELL. Philadelphia: T. & J. W. Johnson & Co. 1872.