

which left the original wrong as a ground for a separate suit; that the first action extended to the minor's services from the beginning; that the plaintiff, by bringing it, affirmed virtually that his son was with defendant in virtue of a contract between defendant and plaintiff, and not by means of conduct which was tortious against plaintiff; and that the charge was correct: *Id.*

#### VENDOR AND PURCHASER.

*Covenant—Breach of—Highway—Railroad.*—A tract of land was conveyed with covenants of title and against encumbrances. At the time of the execution of the deed, the land was subject to the right of way of a railroad and of a public street. *Held*, that these were easements on the land, and their existence was a breach of the warranty against encumbrances: *Burk et al. v. Hill et ux.*, 48 Ind.

A grantee can recover upon a covenant against encumbrances, although he had full knowledge of the existence of the encumbrance at the time he accepted the covenant: *Id.*

*Covenant against Encumbrances—Damages.*—A breach of covenant against encumbrances in a deed of conveyance of real estate entitles the covenantee to nominal damages only, until the latter has removed the encumbrance, or has been in some way injured thereby: *Black v. Coan*, 48 Ind.

Where a grantor of real estate had, prior to the making of a deed of warranty, executed to another person a mining lease covering the premises sold, which lease was contingent upon the happening of an event which had not occurred when suit was brought on the covenant of warranty: *Held*, that there was no criterion by which substantial damages could be estimated. Until there has been a substantial injury, there can be no ground on which to award substantial damages: *Id.*

#### NEW LAW BOOKS.

DESTY.—Manual of Practice in the Courts of the United States. By ROBERT DESTY. 18mo. pp. 420. San Francisco: S. Whitney. Flexible calf, \$4.

DICKSON.—An Analysis of Kent's Commentaries. By FREDERICK S. DICKSON. 8vo. pp. 400. Philadelphia: Rees Welsh. Sheep, \$5.

FREEMAN.—Treatise on the Law of Executions in Civil Cases. By A. C. FREEMAN. San Francisco: S. Whitney.

GEORGIA.—Reports of Cases in the Supreme Court. Vol. 50. By HENRY JACKSON. Maccn: J. W. Burke & Co.

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MASSACHUSETTS.—Reports of Cases in the Supreme Judicial Court. Vol. 116. By JOHN LATHROP. Cambridge: Houghton & Co.

MINOR.—Institutes of the Common and Statute Law. By JOHN B. MINOR, Prof. in the University of Virginia, Vol. 1. Rights which relate to persons. Richmond: Whittet & Shepperson.

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MITCHELL.—Separate use in Pennsylvania, considered with respect to the Restraint on Alienation. An address before the Law Academy of Philadelphia. By E. COPPÉE MITCHELL. Pamph. pp. 45. Philadelphia: T. & J. W. Johnson & Co.

NEW HAMPSHIRE. Reports of Cases in the Supreme Judicial Court. Vol. 53. By JOHN M. SHIRLEY. Concord: B. W. Sanborn & Co.

NEW YORK.—Reports of Cases in the Commission of Appeals. Vol. 57 of the series. By H. E. SICKELS. N. Y.: Banks.

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WEST VIRGINIA.—Code, comprising the Legislation of the State to the year 1870. Wheeling: John Frew, Public Printer.

WISCONSIN.—Reports of Cases in the Supreme Court. Vol. 34. By O. M. CONOVER. Chicago: Callaghan & Co.

WOOD.—The Law of Nuisances, including Remedies therefor at Law and in Equity. By H. G. WOOD, JR. 8vo. pp. 937. Albany: J. D. Parsons, Jr. Sheep, \$7.50.