

DIGEST OF ENGLISH LAW REPORTS—REVIEW.

plaintiff and the question of title were in each case the same, a stay of proceedings in the second action would be granted, until the costs of the first action were paid.—*Tichborne v. Mostyn*, L. R. 8 C. P. 29.

ELECTION.—See INSURANCE, 1.

ENTIRETY OF CONTRACT.—See CONTRACT, 1.

(To be Continued.)

REVIEWS.

A TREATISE ON THE LAW OF INJUNCTIONS, as administered in the Courts of the United States and England. By James L. High, Counsellor-at-Law. Chicago: Callaghan and Company, 1873.

In this work, the production of a western member of the United States bar, we have another valuable addition to the legal literature of the day, in the production of which American writers are taking an extensive and important part. Of course, so long as resort shall continue to be had to the laws of England in regard to property and civil rights in this Province, and the decisions in the English Courts continue to form the precedents and guides for decisions here, the works of American law writers will not occupy that position in the library shelves of our professional men which their intrinsic value merits. Yet, in many instances, these works supply examples of cases, the circumstances of which could not arise in England, but which may and are likely to arise with us. The circumstances of our country and the condition of our people resemble much more nearly those of the country and people across the border, than those of the mother country. And when, as often happens, questions arise here which have never arisen in England, and in regard to which English text books and reports furnish no information or precedent, we naturally turn to those repositories wherein are stored the results of American experience and American learning, and from them very frequently gain that information which the English law books are unable to supply. Mr. Dillon's

very valuable work on Municipal Law, as well as the book now in review, are examples of our meaning.

In the work before us professional men will find, whenever occasion requires, a new and able assistant in the search for American precedents in reference to the law of injunctions. The author does not pretend, as he remarks in the preface, to state the law as it ought to be but as it is, and therefore "he has studiously refrained from the obtrusion of his own theories * * because in these days of multiplied book-making, the tendency among lawyers is to use text books merely as guide posts to direct them to the fountain head of our jurisprudence, namely the reports." Considering how difficult it usually is for men to refrain from the obtrusion of their own theories, whether good or bad, it is all the more creditable to our author to find that throughout he has adhered to his determination and modestly kept himself in the background. If judges and law administrators always exercised somewhat of the same self-control, and refrained occasionally from the "obtrusion of their own theories,"—remembering that it is their province to administer the law as it is and not as it ought to be—how much more steady and even would be the course of justice!

Mr. High does not, however, confine himself to the American authorities. In fact, the main merit which he claims for his production is that it supplies a work based upon the decisions of both England and America, and presenting the general principles governing courts of equity, both in England and America, in the administration of preventive relief. The reader will, therefore, find throughout the work a reference to English authority, though not so full and complete as that contained in the English treatises of Mr. Kerr and Mr. Joyce. But the work is rich in reference to American cases on injunctions, in the search for which the author has evidently exercised much patience and industry. The arrangement of the subjects seems judiciously made, and a copious table of cases cited, and a full index, complete a work which we trust will bring its author both profit and honor.
