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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1896 edition. Excerpt: ...series of decisions, until it has become an established rule of property on the basis of contracts, it should not be overthrown, except from the most urgent considerations of public policy." Yet, " If a decision, or series of decisions are clearly incorrect, either through a mistaken conception of the law or through a misapplication of the law to the facts, and no injurious results would follow from their overthrow, and especially if they were injurious or unjust in their operation, it is the duty of the court to overrule such cases." We cannot but comment the following remark of the court: " We have thought it wisest to overrule outright rather than to evade, as is often done, by an attempt to distinguish, where distinction there is none. We have preferred the censure that sometimes falls upon us, rather than to undertake to distinguish, and thus make ' confusion worse confounded,' where there is no room to limit or distinguish." No censure is deserved for correcting mistakes, which, unfortunately, will inevitably occur, especially where the correction is made in the open way adopted by the Indiana court. If all courts would follow the same course, it would do away with numbers of instances, where, after repeated decisions. it is impossible to tell what the law actually is. PARTNERSHIP.----An importrnt decision involving the law of partnership, was handed down, Dec. 5, 1895, by the Court of Errors and Appeals of New Jersey, reversing the judgment of the Court of Chancery. Briefly stated; the vice chancellor's decision was to the effect that money derived from sale of the partnership proper-.. ty, and paid by one partner to his individual creditor, could not be retained by such creditor...

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