

made for the purpose of enabling the vendee to execute this mortgage, and not for the purpose of uniting the legal and equitable estate so as to give a priority to the liens on the latter. Such a union, whether it be called merger or extinguishment, never takes place against the intention of the parties, where that intention is manifested, and where equity requires that the distinction should be presented.

The mortgagees are therefore entitled to the fund in court.

Decree affirmed.

[NOTE.—The foregoing case was omitted from the reports of the period, and is of sufficient importance to require publication elsewhere. It will be observed that the court seem of the opinion, that in the particular case the mortgagees would have been entitled to claim against the fund for the amount of the purchase money due by the vendee, though this was not necessary to the decision of the case. It is submitted that there is some misapprehension as to this. Certainly the mortgagee of a legal title, who has *no notice* of any equitable estate, may hold his lien to its full extent, though it may exceed the amount of the unpaid purchase money. If this be so, what difference can it make if the mortgage be actually called a purchase money mortgage, unless the mortgagee is aware that the amount secured exceeds the unpaid purchase money. This observation is made because the point seems to have been taken for granted, perhaps by an oversight.—*Eds. Law Register.*]

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#### NOTICES OF NEW BOOKS.

ANNUAL DIGEST OF THE LAWS OF PENNSYLVANIA, for each of the years 1854, 1855, 1856, and 1857, namely: From 28th May, 1853, to 28th May, 1858. The whole completing Stroud & Brightly's Purdon's Digest to the present date. By FREDERICK C. BRIGHTLY, ESQ., author of the "Law of Costs," "Equity Jurisprudence," "Laws of the United States etc. Philadelphia: Kay & Bro., 19 S. Sixth street, Law Booksellers, Publishers and Importers, 1858.

We have become so accustomed to the use of Mr. Brightly's Digest that we now find it an indispensable companion in our daily labors. Each year brings us its annual contribution, skilfully digested, neatly printed, sufficiently annotated, and in a convenient compass as to bulk. Perhaps nothing more need be said, than that this publication is in all essential particulars like its predecessors. To the profession in this State, an essential work, and to the Bar everywhere eminently useful.

PENNSYLVANIA STATE REPORTS, Vol. XXIX. Comprising cases adjudged in the Supreme Court of Pennsylvania. By JOSEPH CASEY, State Reporter. Vol. V. Containing cases decided in May and October Terms, 1857. Philadelphia: Kay & Brother, Law Booksellers, Publishers and Importers, 19 S. Sixth street. 1858. pp. 588.

Mr. Casey's fifth contribution to our Reports is on our table. It is much in the same style as its predecessors, and presents in a very fair manner the several cases marked "to be reported." Some of the more important cases in this volume, we have already presented to our readers at the time the opinions were pronounced, but some others are here to be found, of great value, discussed, adjudicated and reported in a manner which leaves no room for complaint. We feel bound to commend the Index as really containing in a compact and comprehensible shape, a brief but perfectly intelligible synopsis of the contents of the volume. The work is printed and bound in the usual style of the Pennsylvania Reports.

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A TREATISE ON THE LAW OF SUITS BY ATTACHMENT IN THE UNITED STATES. By CHARLES D. DRAKE, of St. Louis, Mo. Second edition, revised and enlarged. With an Appendix, containing the leading statutory provisions of the several States and Territories of the United States, in relation to suits by attachment, and a Treatise on Foreign Attachment in the Lord Mayor's Court of London, by Jno. Locke. Boston: Little, Brown and Company. 1858. pp. 767.

One would have supposed that a book on the law of attachment must of necessity be quite local in its character, and not adapted to general use throughout the Union. But experience shows that a book may not only be made, but may be so well digested, and so general in its plan, that successive editions are called for.

It is a peculiar feature of this treatise that it is essentially American: of 1185 cases cited, but *eleven* are English; and the author justly observes, "the universal use of this remedy fills our reports with cases presenting every variety of questions, and the lapse of time and the accumulation of adjudications seem to make no sensible diminution in the annual number of reported cases, nor any great difference in their novelty or their interest. Hence a work of this description reflects in a high degree a legal system

and a branch of jurisprudence peculiarly our own; and I confess to somewhat of satisfaction at being instrumental in presenting to the bar of the United States a volume which, without intentionally slighting what is to be found in the English reports on the subject, may be justly claimed to be thoroughly American." According to our belief, after a pretty full examination, the learned author has entirely succeeded in making his work methodical, perspicuous, accurate, and sufficiently full for all professional purposes, and we commend his labors unhesitatingly to our brethren as covering a field not heretofore eared, in a manner that cannot fail to command the approbation and thanks of the student and practitioner.