

the lien being the mere creature of a court of equity, existing in the nature of a secret trust, it should not for that reason be implied and maintained where it would operate as a means of deception, or in prejudice of good faith: *McGonigal v. Plummer*, 30 Md.

Where the vendor parted with the legal estate, with a separate receipt in full of the purchase-money appended to the deed, and at the same time took from the vendee a bond with the responsibility of a third party as security for the purchase-money, conditioned for a judgment which would become a general and an independent lien, a court of equity could not do otherwise than presume in the absence of unequivocal evidence to the contrary, that the equitable lien was intended to be waived: *Id.*

The lien will be regarded as waived whenever any distinct and independent security, such as a mortgage, pledge of goods, or the personal responsibility of a third person, is taken for the unpaid purchase-money: *Id.*

This presumption may be repelled by proof of an express agreement that the lien shall be retained; but the *onus* of such proof is upon the party seeking to enforce the lien: *Id.*

LIST OF NEW LAW BOOKS.

ALABAMA.—Reports of Cases in the Supreme Court. By THOS G. JONES, Vol. 43, Montgomery, Barrett & Brown, 1870.

BLATCHFORD.—Reports of Cases in the Circuit Court of the United States, for the Second Circuit. By SAMUEL BLATCHFORD. Vol. 6 N. Y., Baker, Voorhis & Co. Shp. \$7.50.

FISHER.—Reports of Patent Cases. By SAMUEL S. FISHER. Vol. 3. Cincinnati, R. Clarke & Co. Shp. \$25.

GEORGIA.—Reports of Cases in the Supreme Court. By M. J. HAMMOND. Vol. 39. Macon, J. W. Burke & Co. Shp. \$7.50.

GRAHAM.—The Summing up in the McFarland Case. By JOHN GRAHAM, Esq., 8 vo., pp. 119. N. Y., Townsend & Adams. Pap. 50 cts.

INDIANA.—Digest of the Reports of the State of Indiana. By B. V. ABBOT. Vol. 1. Abandonment—Execution. Roy. 8vo. Chicago, Callaghan & Crockett. Shp. \$7.50.

NEW JERSEY.—Reports of Cases in the Court of Chancery, Prerogative Court, and the Court of Errors and Appeals. By CHAS. E. GREEN. Vol. 5. Trenton, W. T. Nicholson pr. 1870.

NEW YORK.—Reports of Cases in the Court of Appeals. By SAMUEL HAND. Vol. 2. N. Y., Banks & Bro. Shp. \$3.50.

WOLFORD.—General and Public Statutes of the several States of the United States, Relating to Insurance. By GEO. WOLFORD. 1 vol. Roy. 8vo., p. 931 Albany, Weed, Parsons & Co., 1870.