

COLUMBIA LAW REVIEW.

Issued monthly during the Academic Year by Columbia Law Students.

SUBSCRIPTION PRICE, \$2.50 PER ANNUM

35 CENTS PER NUMBER

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JANUARY, NINETEEN HUNDRED AND SEVENTEEN.

NOTES.

LIABILITY OF VENDOR ON EXERCISE OF RIGHT OF STOPPAGE IN TRANSITU.—Though the right of stoppage *in transitu* has been recognized as a part of English law for more than two centuries, its origin is by no means certain. It has been thought by some to be a doctrine of equity;¹ others have treated it as a principle of the common law.² It was first recognized in 1690 in a court of equity; but the opinion of the court in that case gives no clue to the reason for the existence of the right.³ The next case involving that right also arose in equity, and the court there based its recognition of the right of stoppage *in transitu* upon the custom of merchants;⁴ and this seems to be the true

¹Whitaker, *Rights of Lien and Stoppage in Transitu*, *149 *et seq.*; 1 Jones, *Liens* (3rd ed.) § 857 *et seq.*; see opinion of Lord Abinger in *Gibson v. Carruthers* (1841) 8 M. & W. *321. *336.

²See *Oppenheim v. Russell* (1802) 3 Ros. & Pul. 42.

³*Wiseman v. Vandeputt* (1690) 2 Vern. *203.

⁴*Snee v. Prescott* (1743) 1 Atk. *245.