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

2 See Oppenheim v. Russell (1802) 3 Bos. & Pul. 42.
4 See v. Prescott (1743) 1 Ark. *245.