

mixed. That he had the right, as against D., and consequently as against G., his bailee, to take that amount from the common bulk; and that therefore G., in denying that right, and refusing to permit him to have his own, was guilty of converting it, so as to entitle M. to his action: *Id.*

The mere fact of an admixture of property does not necessarily produce a tenancy in common. Each owner may own in severalty: *Id.*

*Bonâ fide Purchaser.*—The general principle is well established that, to constitute a person a *bonâ fide* purchaser, within the meaning of the recording acts, the party receiving the subsequent conveyance must not only have received the same without notice of the prior unrecorded deed, but he must have received the same upon some *new consideration* advanced at the time, or must have relinquished some security for a pre-existing debt due him: *Webster v. Van Steenberg*, 46 Barb.

This rule, however, does not apply to any but the original purchaser from the person from whom both parties claim title: *Id.*

And a purchaser from one who is protected by the recording act, as against a prior unrecorded conveyance of the same land, is himself entitled to such protection, notwithstanding he purchased with notice of the prior conveyance, or without parting with a valuable consideration: *Id.*

Though an original purchaser is affected with notice of a prior deed, yet if he conveys to another without notice, the latter is as much protected as if no notice to either had been given: *Id.*

The actual possession of premises, which is to operate as constructive notice, must be visible and open, and not a mere constructive possession: *Id.*

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#### LIST OF NEW LAW BOOKS RECEIVED BY THE PUBLISHERS OF THE AMERICAN LAW REGISTER.

**BEMIS.**—*American Neutrality; Its Honorable Past, Its Expedient Future. A Protest against the proposed repeal of the Neutrality Laws, and a Plea for their improvement and consolidation.* By GEORGE BEMIS. Boston: Little, Brown & Co. Pamph., pp. 211.

**DEWEY.**—*A Discourse delivered at the funeral of Charles A. Dewey, LL.D., Justice of the Supreme Judicial Court of Massachusetts.* By ZACHARY EDDY, D.D. With the proceedings of the Bench and Bar of Berkshire and other counties. Worcester: printed for private circulation by Edward R. Fiske, 1866. Pamph., pp. 42.

**RAFF.**—*The War Claimants' Guide. A Manual of Laws, Regulations, Forms, etc., relating to Pensions, Bounty, Pay, Prize Money, Salvage, Applications for Artificial Limbs, Compensation for Property lost or destroyed, etc., etc.* By GEORGE W. RAFF. Cincinnati: R. Clarke & Co., 1866. 1 vol., small 8vo., pp. 477. \$4.

**TYLER.**—*The Law of Religious Societies and Burial Grounds in the United States; with practical forms.* By R. H. TYLER. Albany: Wm. Gould, 1866.