

*Sale of Goods by fraudulent Vendee.*—It is only in a few exceptional cases, when the vendor of goods has the usual *indicia* of ownership and the true owner has parted with the possession, that such vendor can make a sale of the goods which will be valid as against such rightful owner. The general rule is, that a seller of merchandise, having no title, can convey none, as against the true owner: *Spaulding v. Brewster*, 50 Barb.

Where a bill of sale of goods is obtained by fraud, one purchasing from the fraudulent vendee will acquire no title, even if the jury should find that he purchased in good faith. The fraud vitiates the title of the fraudulent vendee, and he can transfer none to another; certainly not without an actual delivery of the goods to him: *Id.*

The original owner having, under such circumstances, the legal title to the goods, and the actual possession, notwithstanding his bill of sale to the fraudulent vendee, such title must prevail over the claim of one deriving title from the latter. The maxim *caveat emptor* applies: *Id.*

#### WILL.

*Destroyed by Fraud, &c.; when it may be established.*—Upon the finding of a referee that a will, made when the testator was of sound mind and memory, and when no improper influences controlled him or biased his judgment, was destroyed by him through fraud and undue influence, the court will sustain a judgment declaring that such will yet remains, in legal effect, a valid will, and may be established as such: *Voorhis v. Voorhis et al.*, 50 Barb.

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

FISHER.—Reports of Cases arising under Letters Patent for Inventions, determined in the Circuit Courts of the United States. By SAMUEL S. FISHER, Counsellor at Law. Vol. 2. 8vo. pp. 723. Cincinnati: R. Clarke & Co., Prs., 1868.

GIROUARD.—Considérations sur les Lois Civiles du Mariage. Par DÉsirÉ GIRouARD, B. C. L. Avocat. Pamph., pp. 43. Montreal: Typographie du Nouveau Monde, 1868.

LAWRENCE.—Commentaire sur les Éléments du Droit International et sur l'Histoire du Progrès du Droit des Gens de Henry Wheaton. Précédé d'une Notice sur la Carrière Diplomatique de M. Wheaton. Par WILLIAM BEACH LAWRENCE, Ancien Ministre des États Unis d'Amérique à Londres, Auteur du "Droit de Visite en temps de Paix," &c., &c. Tome Premier. Leipzig: F. A. Brockhaus, 1868.

RAWLE.—Equity in Pennsylvania. A lecture before the Law Academy of Philadelphia, by WILLIAM H. RAWLE, one of its Vice Provosts. With an Appendix, being the Registrar's Book of Governor Keith's Court of Chancery. 8vo. pp. 93 and 46. Philadelphia: Kay & Bro., 1868. Law shp. \$2.