

houseman for the buyer, the transit is ended and the right of stoppage is gone. The carrier cannot, without the buyer's assent, change his character so as to become the agent of the buyer to hold the goods; and the buyer cannot make the carrier his agent to keep the goods without the carrier's assent. The change can be made only by agreement between them. If the carrier asserts a claim of lien for unpaid freight, that raises so strong a presumption that he still holds as carrier, that it can be overcome only by showing an agreement between the parties that the carrier should become the buyer's agent to keep the goods while retaining his lien.

The carrier and buyer may agree together for the delivery of the goods at any place short of their destination, and such delivery defeats the right of stoppage in transitu. The transit is ended and the right of stoppage gone, when the carrier has wrongfully refused to deliver the goods to the purchaser. The mere arrival of the goods at their destination does not defeat the vendor's right; the buyer must have taken actual or constructive possession of the goods. By refusing to take such possession, an insolvent buyer, who wishes to favour the vendor, can give the vendor the opportunity to stop the goods, and protect himself.

All that is required to stop the goods is an act of the vendor countermanding delivery; usually a notice is given, stating the vendor's claim, or requiring the goods to be held subject to his orders, and if the carrier deliver the goods after such notice, he is liable to the vendor. The notice must be given to the person in possession of the goods, or if given to his employer it must be under such circumstances as to give the latter an opportunity, by using reasonable diligence, to instruct his servant. The vendor has a right to demand delivery to himself. The carrier must accede to the claim as soon as he knows it is made by the vendor, unless he is aware of a legal defeasance of it.

If bills of lading, parts of a set, get into the hands of different holders, the carrier is protected in delivering to