

étaient; et si, pour cette raison, ils sont de moindre valeur. C. rev.—*Boisjoly v. Land of Montreal*, 234.

VENTE, fraude, acquiescement, renonciation: The fraud of an employee, consisting in keeping two sets of books, one true and the other false without the knowledge of his employer, who could neither read nor write, cannot serve as the grounds to demand the nullity of the sale of his business, made in consideration of the facts set forth in the false set of books, if the buyer had the means to acquaint himself with the facts, and if, as a result he has not been deceived.

The buyer of a going concern who, after having instituted an action in nullity of the contract of sale, on the grounds of fraud and false representations, sells over the business to his landlord, who, at his turn disposed of it to other persons, cannot maintain his action in nullity, seeing he had put himself in a position not to be able to restore to the original seller, the business he has brought from him, in the event of he succeeding in his action to cancel the deed of sale.

Where a buyer of a trade waits four months without complaining of any fraud practised against him in the contract of sale, makes past payments, and attempts to form a company to carry on the business, he waives his right to demand the nullity of his contract, and is precluded to complain of the alleged fraud of the vendor. C. rev.—*Rodden v. Sauriol et al.*, 421.

VENTE, hérédité, découverte de testament, nullité de vente, répétition, communauté: Lorsqu'aucun testament n'est trouvé, et qu'un des héritiers *intestat* achète la part d'un autre héritier pour le prix de \$325, l'acheteur peut répéter cette somme, s'il est découvert plus tard qu'il y avait un testament l'instituant seul héritier, à l'exclusion du vendeur. Ce consentement à l'acte de vente est vicié par l'erreur.

Si la venderesse est une femme mariée, commune en biens, et que son mari est poursuivi avec elle, et s'il est prouvé que le mari a eu connaissance de la réception par sa femme des \$325, il sera condamné avec elle, à les rendre