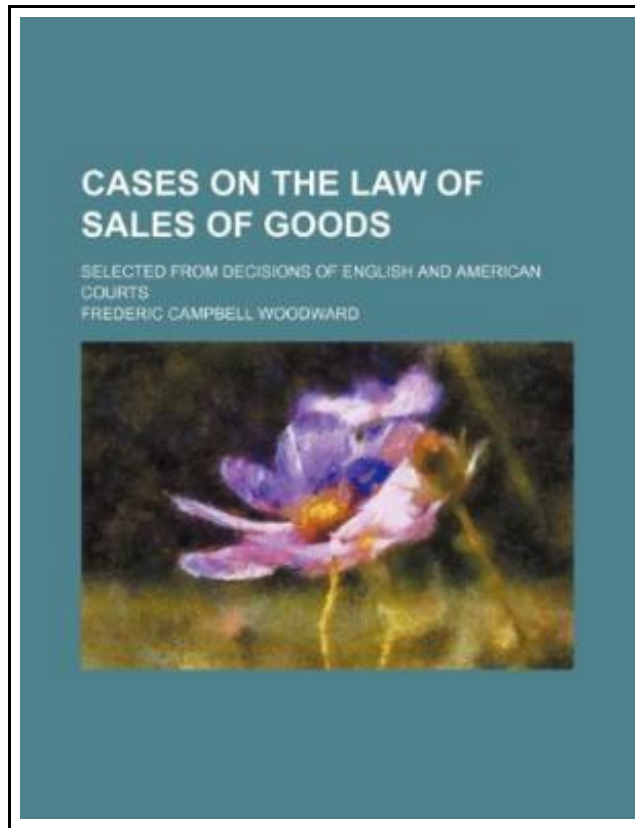


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1913 Excerpt: .in finding,a verdict fox The plaintiffs, and ordered a verdict for the defendant in all three cases. 21 Concurring opinions were delivered by the Earl of Selborne and Lord Macuaghten. For a case in which, although samples were exhibited and examined, it was held that there was no warranty that the bulk should correspond with the samples, see Gunther v. Atwell, 19 Md. 157 (1SC2). 22 The statement of facts and part of the opinion are omitted. 1. It was held in Norton v. Doherty, 3 Gray, 372, 63 Am. Dec. 758, on the authority of Williamson v. Allison, 2 East, 446, that tort for a false warranty as well as an action of contract lies in case a chattel is sold with warranty and the warranty is broken. A number of earlier English cases to the same effect are collected by Holmes, J., in Nash v. Minnesota Title Ins. Co., 163 Mass. 574, 587, 40 N. E. 1039, 28 L. R. A. 753, 47 Am. St. Rep. 489, and the proposition is there repeated. To the same effect see Emmons v. Alvord, 177 Mass. 466, 470, 59 N. E. 126, and Boston Woven Hose & Rubber Co. v. Kendall, 178 Mass. 232, 237, 59 N. E. 657, 51 L. R. A. 781, 86 Am. St. Rep. 478. In tort for a false warranty, the scienter need not be alleged, and if alleged it need not be proved. Shaw, C. J., in Norton v. Doherty, 3...

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