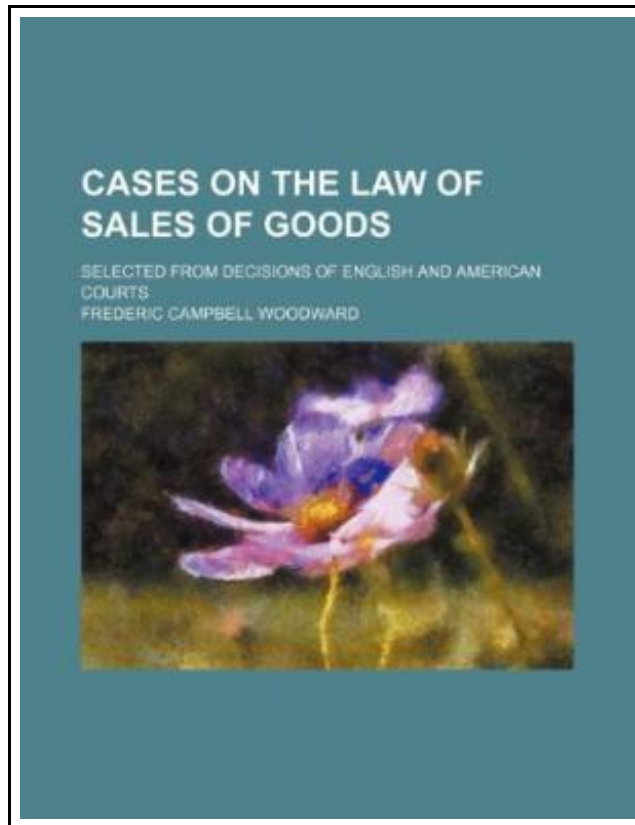


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned 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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