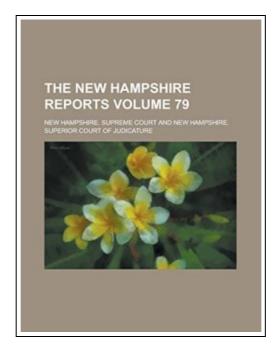
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(Prof. Vanessa Smitham V)

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Rarebooksclub.com, United States, 2013. 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 usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1922 edition. Excerpt: .term, 1918, of the superior court by Marble, J. The plaintiff obtained an amendment of the declaration, wherein a written contract was set out, by which it appeared that on October 31, 1916, the plaintiff sold to the defendant all the spruce and fir timber upon certain lands of the plaintiff for the sum of \$100,000, payable in equal annual installments of \$25,000 on the first day of April in each of the years of 1917, 1918, 1919 and 1920; it was alleged that the second installment was not paid when it became due although payment of it was demanded by the plaintiff. The defendant excepted to certain parts of the charge and to the refusal of the court to give certain requested instructions, which, together with other facts, are stated in the opinion. Sullivan Daley (Mr. Sullivan orally), for the plaintiff. WALKER, J. The case was tried under the amended declaration. The original counts were stricken out and new counts were substituted therefor in which the plaintiff sought to recover the second installment of \$25,000; which, under the contract, was due and payable at the date of the writ. The breach alleged was the failure of the defendant to make that payment upon demand; and the ver dict establishes the fact upon competent evidence that the defendant committed a breach of the contract in the respect alleged. The issues raised by the defendant s plea were, (1) that the person who executed the...

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