



Florida Reports Volume 53

By Florida Supreme Court

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. 1907 edition. Excerpt: .but the terms of the contract would be the only controlling guide. Another clause of the defendant s 4th plea. which alleges damages accruing to the defendant s nursery stock from the spreading thereto of scale insects alleged to have been tortiously allowed by the plaintiff? to accumulate on his grove trees adjacent thereto, and attempting to set-off or recoup such alleged damages against any injury to the plaintiff from the alleged breaches of said contract, was also stricken by the court and is complained of in the 2nd assignment of error. There was no error here. The matter so stricken was not responsive to the declaration, and alleged dam age growing, not out of breach of any contract, but out of tort. Unliquidated damages resulting from a tort cannot be made available as a set-off in an action for breach of a written...



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