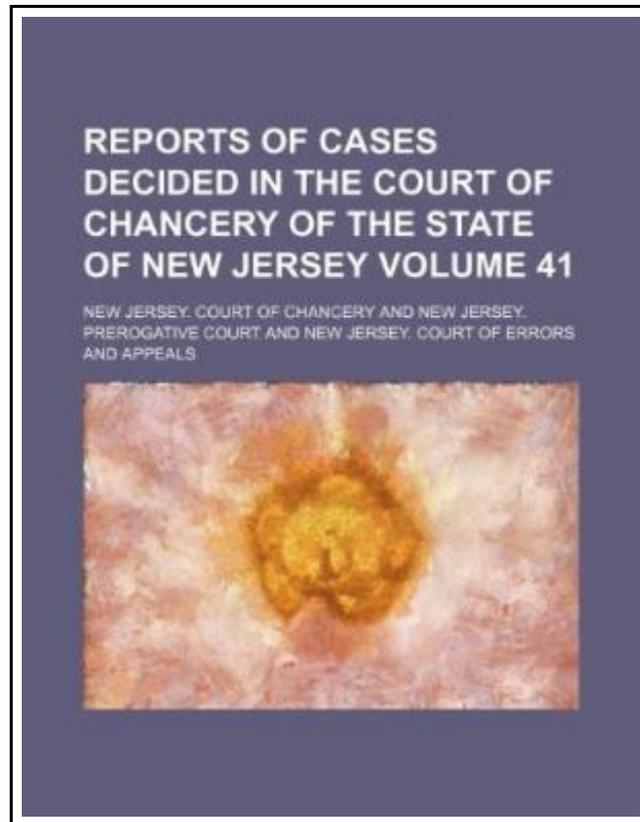


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1886 Excerpt: . Curiam. This decree unanimously affirmed for the reasons given by the ordinary. Edmund B. Cook, respondent. On May 7th, 1883, C. and O. executed an agreement for the exchange of properties, each party agreeing to furnish good titles, satisfactory to both parties. O. was to give C. \$5,000, and to gather the wheat crop growing on C. s farm, and to divide the proceeds with C. Each party took possession of the other s property at once, improved it and used it as his own. There were mortgages amounting to \$17,000 on C. s place and \$8,000 on O. s. C. agreed to remove \$9,000 of his, and they had several amicable interviews in reference to these mortgages between May 7th and September 19th. On the latter date, O. notified C., in writing, that he rescinded the contract. C. declared himself ready to perform and tendered O. his deed on October 17th, which was refused by O., and on October 19th, C. filed his bill for specific performance. Held--(1) That the existence of the mortgages on C. s place was not a violation of the stipulation as to a good title, so as to deprive him of the right to file his bill, but that it only required him to remove the encumbrance when the deeds should be delivered. (2) That O. s knowledge of the amount of those mortgages before June Kith, without prompt objection thereto, estops him from now asserting that C. concealed...

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