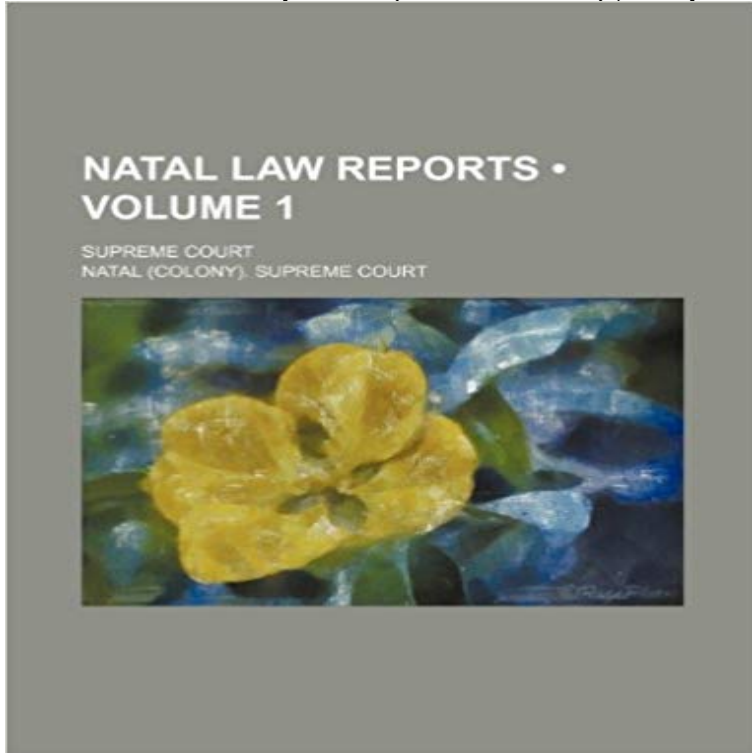


Natal Law Reports (Volume 1); Supreme Court



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. 1902. Excerpt: ... had made no reply, but had ridden away, which might be 1886. regarded to some extent as an admission that he could hardly July 31 claim having fulfilled his part of the contract. The defendant Hildyard & had, it was true, bought a second-hand tent, but its being ill-used. Sken. second-hand--whilst it might imply a certain amount of wear, and a want of cleanness--would not justify the condition in which this tent was found to be. It was too late then for the defendants to discard the tent. They required one for immediate use. If they had not used it, it might be, that on suing the plaintiff for breach of contract, they would have proved a considerable amount of damage sustained through his failure to supply a proper tent, but they had adopted the more reasonable course of using the tent, although not bound to take it, and of offering the sum of £5 for its use, which seemed to be a very fair tender. This appeared to be a termination of the case in accordance with substantial justice, and one which this Court should enforce. The Magistrate's judgment would, therefore, be amended by changing it into a judgment for plaintiff for £5--the amount of tender--the costs in the Court below and in review to be borne by the respondent. Cadiz, J., concurred, and also briefly reviewed the facts in similar terms. Applicants Attorney: E. M. Greene. Respondents Attorney: A. W. Baker. Mark Hutchinson v. Charles Palmer, in his capacity as June 28 Her Majesty's Deputy-Commissary-General for the Colony of Natal, and as such representing Her Majesty's Hutchinson. Commissariat Department. Palmer. Leave to enter and prosecute appeal to Privy Council. Order of Privy Council. This case is reported, ante

pp. 23-29. The defendant having since applied to the Privy ...

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