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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. 1873 Excerpt: ... these cases, I think that this plea is a good plea. I was, I confess, at the outset rather disposed to agree with Mr. Lopes, but, on further consideration during the course of the argument, I have come to the conclusion that the piea is good, and furnishes an answer to the plaintiffs' action. The plea being good, it is only necessary to say that it was proved at the trial, and that, therefore, the defendant's rule to enter the verdict for him will be made absolute. Bramwell, B.--I am of the same opinion, and, beyond saying that I think the plea demurred to is a good plea, I have very little to add. The parties here agree to a continuing contract, and then the plaintiffs, having contracted with the defendant that they would continually load him, declined for a whole month to load him at all. What then was thedefendant to do under such a state of things, or what could he do other than that which he did? No man has a right to put another person, with whom he has entered into a contract of this kind, in such a position as the plaintiffs, by refusing to load his vessel during the month of Sept., placed this defendant here. The observations of Pollock, G.B., in delivering his judgment in the case of Hoare v. Rennie (ubi sup.) are in point, and very applicable to the present case, as showing that it really does not turn upon any qaestion of condition precedent, but that the question really is whether, where a man who is bound to perform his part of a contract does not do so, he can enforce the contract against the other party. Suppose the plaintiffs in this case had said to the defendant, "We won't load you at all until January next," and the defendant had thereupon said, "Very well, then I must do the best 1 can, and get other employment for my ve...

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William Moreau:

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