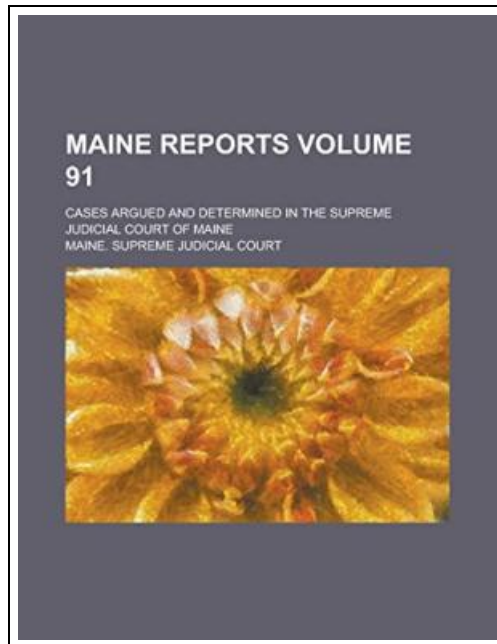


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Rarebooksclub.com, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1898 edition. Excerpt: .to the decisions in this state, thinking they sufficiently showed our law to be against the plaintiff s contentions. She has, however, cited cases from other states, of which one or two notably support her contentions. Stenberg v. Wilcox, 96 Tenn. 163, (34 L. R. A. 615) and Hines v. Wilcox, 96 Tenn. 148, (34 L. R. A. 824.) As to these cases, the learned editor of the L. R. A. series says they are a new departure in the law, --that they transfer to the landlord a duty which has heretofore rested upon the tenant, the duty of taking active care to find out unknown and unsuspected defects./ As we have said above, we think it is for the legislature not the court to make this transfer of duty if thought desirable. On the other hand many courts in late decisions adhere to the long established rule of caveat emptor. In Jajfe v. Harteau, 56 N. Y. 398, a boiler defective in construction exploded. In Edwards v. N. Y. 5f H R. R. Co., 98 N. Y. 249, a gallery defective in construction fell. In Doyle v. Union Pacific Ry. Co., 147 U. S. 414, a house was too weak structurally to resist snow slides known to the lessor to be recurrent and dangerous. In Tuttle v. Gilbert Mfg. Co., 145 Mass. 169, a floor defective in construction fell. In Bowe v. Hunking, 135 Mass. 380, a stair-tread had been sawed. The...



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