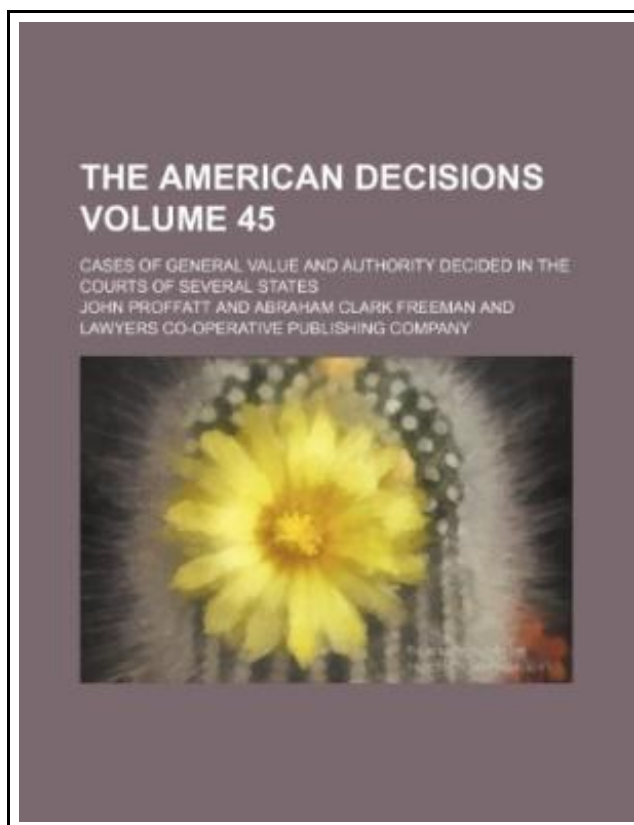


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1910 Excerpt: .the covenantee has occupied the premises, such occupation will be considered as equivalent to the interest on the consideration paid, and he can recover only the interest for four years, that being the extent of time for which the plaintiff in ejectment could recover against him in trespass for mesne profits. Covenant on warranty of title. A default was taken, and the case reserved here to determine the rule of damages. The other facts appear from the opinion. Smythe and Sprague, for the plaintiff. No counsel for the defendant. By Court, Wood, C. J. In actions on covenants of seisin and quiet enjoyment, the rule of damages, though it has exceptions, has been adjudged to be the consideration money and interest, and this rule has been applied to suits on the warranty of title: Backus v. McCoy, 3 Ohio, 211 17 Am. Dec. 585; King v. Kerr, 5 Id. 154 22 Am. Dec. 777. But in the case at bar, the plaintiff occupied the premises from the date of the conveyance; and such enjoyment is considered as equivalent to the interest on the consideration paid: Id. As the plaintiff may, however, be compelled to account for the rents and profits to the plaintiff in ejectment, in an action of trespass for mesne profits, and as such action is barred by the statute in four years, and the plaintiff in trespass for mesne profits, can not recover beyond that period from the ejectment, the plaintiff, on the...

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