



# **A Treatise on the Law of Guarantees: And of Principal Surety (Classic Reprint)**

*Henry Anselm de Colyar*

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Excerpt from A Treatise on the Law of Guarantees: And of Principal Surety

Mercantile-- Law dealt with by this work has certainly not diminished in importance since the last edition made its appearance. On the contrary, during the interval of twelve years that has elapsed since the publication of the second edition, many decisions have been given, of a noteworthy character, in England, Ireland, and the United States, which, directly or indirectly, concern the law of guarantees. All these decisions demand, and, it is believed, have received, adequate notice in the present edition, the Authors purpose being to make his treatise, as far as possible, serviceable not only in England, but also in the Colonies and in those countries, outside the limits of the British Empire, where the provisions of the Statute of Frauds, or similar enactments, have been adopted. He is the more anxious to achieve this purpose because he finds that since his treatise was first issued, an unauthorized edition of it has appeared in the United States of America, which, however, shows that the work has been appreciated in that country. Owing to the almost cosmopolitan character of the branch of law to which this work is devoted, the present volume necessarily refers to an unusually large number of cases decided elsewhere than in England. Many of these, and notably the decision given by the Irish High Court (Q.B. D.) in the case of *The Guardians of Abheijleix Union v. Sutcliffe*, (1890), 26 Ir. L.K. 333, and by the American Court of Errors and Appeals of New Jersey in *Town of Union v. Bermes* (1882), 43 Amer. E.369 (U.S.), on a point not as yet adjudicated upon in this country, will, it is believed, be ultimately adopted as authorities by English courts, which, in cases of first impression at all events, do not ignore judgments delivered by foreign tribunals, but, on the contrary, not unfrequently follow them.

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