

AMSDEN v. STEAM STONE CUTTER CO.

Circuit Court, D. Vermont.

May 29, 1884.

VENDOR AND VENDEE—RIGHT TO RECOVER FOR
IMPROVEMENTS—EJECTMENT—NOTICE OF
INCUMBRANCE.*George v. Steam Stone Cutter Co., ante, 478*, distinguished.

At Law.

William Batchelder, for plaintiff.*Aldace F. Walker*, for defendant.

WHEELER, J. This case differs from that of *George v. Steam Stone Cutter Co., ante, 478*, in this: George E. Chase purchased the land of Jones, Lamson & Co., supposing the title to be good in fee, made betterments upon it, and conveyed the property to this plaintiff, who knew of the attachment. The statute expressly covers this difference by providing for a recovery by a defendant in ejectment for betterments made by those under whom he claims, if they purchased the lands supposing the title to be good in fee and made the betterments. Rev. Laws Vt. § 1260. The increase in value in consequence of such betterments is found to be \$2,000. Final judgment for seizin and possession of the premises, with \$30 damages, is now to be entered in the action of ejectment; and judgment for the plaintiff on the declarations for betterments for \$2,000, value of betterments.

Execution stayed according to section 1266, Rev. Laws Vt.

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