

Couturier v Hastie (1856) 10 ER 1065

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Facts

- A consignment of corn was shipped from Salonika bound for England
- Mid-journey, it began to ferment, prompting the ship Master to sell the corn in Tunisia
- Meanwhile, the consignor made contracts for the sale of the corn
- When the buyer failed to pay, they sued.

Held

- It was contract to purchase certain goods that had already perished
- The purchaser only had an obligation to pay if, at the time of making the contract, the goods were in existence and capable of delivery
- There was nothing in the contract suggesting it was for goods lost or not lost
- Therefore the contract was unenforceable for mistake

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