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SUIT FOR DAMAGES

A FARCE COMEDY

IN THREE ACTS

—BY THE—

Gaylord Kline

~~SCHOOL DRAMATIC COMPANY~~

Rule, Texas

TIME: 1 HOUR

Price 25 cents

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CAST OF CHARACTERS

JUDGE J. W. Kent
 CLERK OF COURT Sam Mayfield
 SHERIFF W. T. Hale
 ATTORNEY FOR PLAINTIFF John Blackstone
 ATTORNEY FOR DEFENDANT Frank Paschall
 PLAINTIFF J. L. Barbee
 DEFENDANT John Rosamond
 MRS MAYFIELD Wife of Clerk
 JOHNNIE Son of Defendant
 J. T. WATCHMAN Witness
 MRS. WATCHMAN Wife of Witness



TMP96-006513

A SUIT FOR DAMAGES



ACT I.

SCENE—A room in the house of Mr. Watchman. Mr. Watchman walks into the room and picks up a paper and reads or glances at it.

MR. WATCHMAN—This paper reminds me of the fact that the trial of Barbee against my neighbor Rosamond comes off today, and I have been subpoenaed as a witness. I consider the entire affair a notorious outrage; it is not only an imposition to take me from my work and compel me to attend Court, but it is simply a persecution against Mr. Rosamond. There is neither sense, justice, nor reason in the whole case.

The facts as I understand them, are as follows: Mr. Barbee has been running a stage coach line between the cities of and (supply the names of your local towns) and when his stage coach was not on the road, he would keep it under his old shed, which was in a more dilapidated condition, if possible, than the coach; to keep the roof of this shed from tumbling in he had tied the rafters together by means of a grass rope. One Sunday afternoon not long ago, while no doubt old man Barbee was on the river fishing, Mr. Rosamond's goat was out taking a walk, when he happened to see the grass rope that supported the roof. The temptation was too great, he climbed to the top of the old stage coach, and I must say right here, he was the best looking animal I had seen on the coach for many a day, he stood upon his hind feet and began to eat the grass rope, he had not been eating long when the roof fell with a crash, smashing the stage coach and killing the goat. Now, Mr. Barbee has brought suit against Mr. Rosamond for the recovery

of the damages he claims to have sustained. In my judgement he ought not to have a cent for his old stage coach; but I will go any way and pretend to be very ignorant. The truth is I want to go to Court any way.

(Enters Mrs. Watchman, very much excited) dressed as a country house-wife just from the kitchen)

MRS W.—Whom did you say you wanted to court? Out with it, I heard what you said: I have been suspecting something for a long time, and now I am going to have the truth.

(Mr. Watchman waving his hand towards her)

MR. W.—Calm, yourself, Madam; there is no occasion whatever, for such an outburst. I merely want to go up to (supply name of local town) to-day in order to do a little courting, not that I am growing tired of you, Oh, No, nor am I unmindful of all your many excellent qualities, neither do I forget your sweet face and affectionated ways. I merely want to do some courting, just to keep from forgetting all those delightful experiences that made my young life worth the living. I wish that you would see that the pigs do not get into the garden and don't fail to keep a watchful eye on the geese, for I don't want them to get into the turnip patch again. Goodbye; I'm off

Exit Mr. W.

MRS W —Oh Me! Has it come to this; and so soon? (Throws herself into a chair and burries her face in her hands) To think that Jap would treat me so and in my own house too! (Gets up and walks about the room) I just won't stand such treatment. He called me MADAM! I heard him (cries aloud) I'll go home and tell mama, all about it, I'll tell her that Jap is cruel to me, yes he is cruel, just as cruel and mean as he can be; the mean, cruel hateful man. I'll write him a note first. (Gets paper and pencil) (she pronounces the words as she writes) Sir, I'll call him Sir, thats what I'll call him. I'll put it down in black and white. Since your c r u e l u n k i n d and unnatural conduct this morning I am thoroughly convinced that we must part (she takes a good cry.) I have put it down on this paper. I'll sign myself Respectfully, Mrs. Watchman.

I'll add a post script: P. S. Goodbye Jap, forever; I know you will be sorry sometime, Sara. I'll put it here where he will see it. (Places the letter on a table) He said I should watch the pigs. I don't care if the garden eats up all the hogs on the place, and the turnips may simbly swallow the geese and I won't stop them. I believe I'll go to (add name of local town) first, just to see who it is Jap is courting; I want to see who is taking my Jap away from me. I am sure Mrs. Mayfield will go with me. Exit Mrs. W.

CURTAIN

ACT II.

SCENE—Within the home of Mrs. Mayfield. Mrs. Mayfield sitting at a table reading a magazine, dressed in a close fitting costume, wearing glasses) (Mrs. Watchman enters unannounced, still showing anger and excitement, after the customary greeting, Mrs. Watchman speaks.)

MRS. W.—Mrs. Mayfield I am in great trouble and distress; Jap has gone off courting and we almost quarrelled before he left. I want you to go with me to hunt the woman Jap has gone to see.

MRS. M.—Mrs. Watchman, you must certainly be mistaken, Mr. Watchman would not court any one else, he has always devoted himself to you.

MRS. W.—Indeed I am not mistaken; he told me himself that he was going to town to court just as he did when he was a young man. I have not forgotten Jap's ways, nor all those pretty things he used to say to me. It is dreadful to think that he is at this moment courting any one else.

MRS. M.—(Aside) This is a joke that Mr. Watchman is playing on his wife, but he is so meek and so completely henpecked that I don't see how he ever found courage enough to do it. (To Mrs. Watchman) I will be ready in a moment. (Puts on her hat.)

Exit of Mesdames Watchman and Mayfield

ACT III

SCENE Court room, Furniture: A table for Judge's

stand, on which should be placed some large books-law books preferable-a table for the Clerk on which should be placed a large book purporting to be the docket. Persons, Judge, Clerk, Sheriff, Defendant and his Son, Attorney for Plaintiff, Attorney for Defendant. These when the curtain rises, should be sitting on the stage in their respective places, the Judge, at his table, the Clerk at his desk, while the clients will be near their respective attorneys; the Sheriff may sit or stand in any convenient place.

JUDGE—The Sheriff will call court.

(The Sheriff goes to the door and calls in loud slow tones)

SHERIFF—Oh Yez, Oh Yez, Oh Yez, The Honorable Court of— is now open.

JUDGE—The Clerk will call the first case on the non Jury Docket.

CLERK—The case of J. L. Barbee vs. John Rosamond No. 562

JUDGE—What says the plaintiff in the Barbee Rosamond case?

ATTY FOR PLTFF.—In a moment Your Honor. (Takes the plaintiff aside and talks with him showing him some papers, then looking to the Judge says) Plaintiff is ready, Your Honor.

JUDGE—What says the defendant?

ATTY. FOR DEFT.—Defendant is ready, Your Honor.

JUDGE—Present your case.

ATTY. EOR PLTFF—Attorney takes a paper from his pocket and stands before the Judge and reads the following plea.

J. L. Barbee	}	No. 562
vs.		
John Rosamond		

J. L. Barbee complaining of John Rosamond would respectfully represent to the Court that both parties are citizens of the county of and state of.

That heretofore, towit; on the day of . . . A. D. 191. . plaintiff was the owner and proprietor of a stage coach line, engaged in hauling people for hire between

the towns of and ; that on said date he was the owner of a stage coach which was reasonably worth \$500 00; that on the date and year last above mentioned the same being Sunday, the plaintiff placed his said coach beneath his shed; that a certain goat belonging to the defendant with intent malice aforethought did then and there with the express purpose and intent of injuring this plaintiff, did wickedly and maliciously climb to the top of said coach and did then and there eat, gnaw and chew the grass rope that supported the roof of said shed causing the same to fall upon and destroy the said coach to plaintiff's damage \$500.00.

Wherefore, defendant became liable to plaintiff for said sum of money. Plaintiff asks that he have judgment for his his said damages and for all costs of suit.

A. S. Jones, Atty. for Pltff.

Attorney for defendant stands before the judge and reads.

J. L. Barbee	}	No. 562
vs.		
John Rosamond		

And now comes the defendant in the above styled and numbered cause and denies each and every allegation in plaintiff's Petition and demands strict proof of same.

The defendant now comes and pleads in reconvention and admits all of that part of plaintiff's Petition in which he says the defendant's goat ate the grass rope that supported the roof over his coach; and the defendant alleges that the plaintiff, with the intent to injure this defendant placed said grass rope where he did in order to entice said goat to his death; that the plaintiff is directly responsible for the death of the goat and personally liable for the value thereof; that the goat was reasonably worth \$200.00.

Wherefore defendant prays that he have judgment for his \$200.00 and for all costs of suit.

S. T. Gordon, Atty. for deft.

ATTY. FOR PLTFF—Your Honor, I would like to have Mr. Watchman called

JUDGE—The Sheriff will call Mr. Watchman

(Sheriff goes to the door and calls in loud slow tones)

SHERIFF—J. T. Watchman, J. T. Watchman, J. T. Watchman

(Mr. Watchman enters in a shambling gait)

JUDGE—(To Clerk) The Clerk will swear Mr. Watchman.

CLERK—(Holds up his right hand and says in a loud voice) Hold up your right hand and be sworn.

Mr. W.—Walks backward, looks frightened, and pretends that he thinks they are going to rob him) Hold up thar, Mister, you shant rob me here in open daylight.

JUDGE—(Harshly) The Clerk does not wish to rob you, but swear you, so hold up your right hand and be sworn as the law demands, no harm, whatever, is intended.

Mr. W.—(Walks cautiously toward the clerk and holds up both hands.)

CLERK—(Holding up his right hand) Do you solemnly swear that the evidence you shall give in the cause now pending shall be the truth the whole truth and nothing but the truth, so help you God.

Mr. W.—You bet, that suits me to a ‘T’ for tellen the truth is just where I shine.

CLERK—(Pointing to a chair) Have that seat Mr. W. takes seat shown him)

ATTY. FOR PLTFF.—What is your cognomen?

Mr. W.—My What?

ATTY FOR PLTFF.—Your cognomen?

Mr. W.—You say you want to know my old woman? Now I did not come up here to be insulted nor to have fun poked at me, so I’ll go home. (Starts to leave)

JUDGE—The witness will take his seat and true answers make to all interrogatories that may be propounded to him by the attorneys, the Court would suggest, however, that the attorneys would use such language as will be withing the scope of the witness’ comprehension.

Mr. W.—Well, Judge, if it is all the same to you, I

would prefer that he use the English language rather than the kind he uses, or the kind that is in the hope of condemnation that you speak of. (Witness takes his seat slowly)

ATTY. FOR PLTFF—What is your name?

Mr W—Oh, that is what you want to know, is it? Strange you did not say so long ago

ATTY. FOR PLTFF—Well, what is it?

Mr W—I'm listening; go on.

ATTY. FOR PLTFF—Tell me your name.

Mr W—Jasper Tolliver Watchman, but Sara calls me Jap.

ATTY. FOR PLTFF—Well, Jasper, how old are you?

Mr W.—How cold am I? You must be crazy to think a man crazy at this season of the year. I never felt more comfortable in my life.

ATTY. FOR PLTFF—I am not interested in the thermal condition of your body, I merely want to know your age.

Mr W—Well, it is strange you did not say so.

ATTY. FOR PLTFF—Come, Jasper, what is your age?

Mr. W.—I aint got no cage.

ATTY. FOR PLTFF—How old are you; how many years have you lived.

Mr. W.—Oh, I now understand what you are driving at. I guess I am somewhere twixt twenty and thirty.

ATTY. FOR PLTFF.—Where is your domicile?

Mr W.—I aint got nuthen like that; I did have the whooping-cough, but the doctor cured me.

ATTY. FOR PLTFF.—I am not asking about the condition of your health, I merely want to know where you reside

Mr. W.—It don't seem to me it is any of your business where I hide; the fact is I never hide only when Sara gets mad and I don't propose to tell you or any one else where that is.

ATTY. FOR PLTFF.—I don't care any thing about your family troubles, but I do want to know where you

live.

MR. W.—You certainly have a strange way of telling what you want.

ATTY. FOR PLTFF.—Answer my question.

MR. W.—Certainly with pleasure. I live in . . . county Texas in that little house back of Mr. Rosamond's pasture.

ATTY. FOR PLTFF.—What vocation do you follow?

MR. W.—I don't follow any thing like that; I just follow Sara about.

ATTY. FOR PLTFF.—What is your business?

MR. W.—I aint got no business.

ATTY. FOR PLTFF.—What do you do for a living?

MR. W.—Eat, drink, sleep, chew and smoke.

ATTY. FOR PLTFF.—What work do you do, if any?

MR. W.—O, I work in the cotton patch if it aint too wet, chop wood for Sarah, or else sit and smoke.

ATTY. FOR PLTFF.—Are you personally acquainted with the parties to this suit?

MR. W.—Yes, I know that goat well; he was my best chum, I also knew Mr. Rosamond and old man Barbee.

ATTY. FOR PLTFF.—Do you know what caused the destruction of Mr. Barbee's stage coach? If so state what caused it.

MR. W.—I hearn Mr. Mayfield tell (Pointing toward the clerk) a heap .

ATTY. FOR DEFT.—Stop witness! Your Honor, we object to the witness telling what he has heard.

JUDGE—The witness will not state what any one has told him, but only what he knows and saw.

MR. W.—I hearn Mr. Mayfield tell a heap

ATTY. FOR PLTFF.—Hold on Mr. Watchman, you are disobeying the Court, you must not tell what the clerk has told you.

MR. W.—He tells me a heap about the doings of lawyers.

ATTY. FOR PLTFF.—Oh, that is what you have heard is it? You may proceed.

MR. W.—But this is the first time I ever saw the inquisitive set. Now about that old stage coach and goat I can tell all I know in a very few minutes. Two weeks ago last Sunday, I knowed that we was a goin to have company, so I walked over to Mr. Barbee's shed so Sara couldn't find me when she would want me to cut stove wood. I sat down under a tree and when I was almost asleep, I hearn a most powerful curious noise, it sounded just like this: b a a h. I was awful skeared at first for I thought it was Sara a callin of me, but when I looked around, I saw the old goat a walkin up the patch toward the shed just as proud looking as could be, he reminded me of a . . . (supply name of near by town) dude. When he got to the shed, he stopped and looked at it, like he thought it was no good any way, any how he climbed up into the driver's seat, but he did stay there long just like he was afraid it would disgrace him, he then climbed c'lem on top of the coach and walked all around and looked down just like he was a seein if it was safe. He then stood upon his hind feet and commenced to eat the grass rope, I saw him shake his nead and stamp his foot with ever so much grass in his mouth, and a lookin just like you used to when you was a trying to grow a mustache.

(Enters Mesdames Mayfield and Watchman)

MRS. W.—Jap, Jap, where is she?

JUDGE—The Sheriff will keep order in the court room.

MRS. W.—(Turning to the Judge) Well, Mister, Jap said he was a coming up here a courtin and I just want to see the woman that is takin my Jap away from me. Jap aint no ordinary lookin fellow, but he is powerful winnin and persuadin when it comes to courtin.

JUDGE—Madam, there is no woman here and your husband is not courting.

MRS. W.—There is not! And he is not courtin is he? But I know he is and you men are just takin his part against me.

JUDGE—Madam, your husband was in possession of some valuable and important information that we wanted to know, so he came up here not to court but to tell

us what he knew.

MRS. W.—(Turning to Jap) Jap is that so? Speak out! (Jap hangs his head and looks meekly to one side) Did you come all the way up here, after leaving your poor wife at home to watch the pigs and geese out of the garden, just to tell these men something that they wanted to know? Why did you not tell me? No, you won't tell your poor wife anything, but are happy, contented and satisfied, if your wife is at home working and making a slave out of herself and you are in town talkin and loafin. Now Jap, you will come right home and tell me all about this important information, I'm the one you should tell such things to.

[Japs gets up and meekly starts off with his wife]

CLERK—(Whistles and says) Aint he henpecked.

SHERIFF—(Gets up quickly and offers chairs) Be seated Mr. Watchman, have these chairs, ladies, we excuse Mr. Watchman soon.

ATTY. FOR PLTFF—You will proceed with your testimony, Mr. Watchman.

MR. W.—(meekly) I dun furgot it.

ATTY. FOR PLTFF.—You were speaking about the goat.

MR. W.—I dun furgot about the goat.

ATTY. FOR PLTFF—You forgot what?

MR. W.—I dun furgot what I furgot.

ATTY. FOR PLTFF.—Did the goat eat the rope through?

ATTY. FOR DEFT—We object to the question, you are leading your witness.

ATTY. FOR PLTFF—Do you know whether the goat ate the rope in two, if so state the facts.

MR. W.—While the goat was a chewin on the rope, the old shed fell to the ground smashing the coach into kindlin wood and killin the goat

ATTY. FOR PLTFF.—(To Atty, for Deft.) You may take the witness.

ATTY. FOR DEFT.—Mr. Watchman do you know what caused the old shed to fall?

MR. W.—No, I don't, but it been lookin like it wanted

to fall for the past year.

ATTY. FOR DEFT.—Do you know what caused the death of the goat, if so state the cause?

MR. W.—Yes Sir, I know all about it. Mr. Barbee's old shed fell upon him and squashed him.

ATTY. FOR DEFT.—You may be excused.

MRS W.—(Jirking Jap's arm) Come with me, Jap, I'm going to take you home and keep you there. (Excuse Mrs and Mr. W. Mrs. Mayfield)

ATTY. FOR PLTFF.—Mr. Barbee will come forward and be sworn (Mr. Barbee comes forward and is sworn by the clerk, he then takes the witness chair)

ATTY. FOR PLTFF.—What is your name, age and occupation?

MR B.—My name is Barbee, age thirty-five years, and my occupation was that of owner and general manager of the . . . (supply names of local towns) stage coach line, but at present, I have no occupation.

ATTY. FOR PLTFF.—You will state to the Court, why at present you have no employment.

MR B.—My stage coach was broken to pieces by the weight of the shed that was caused to fall upon it by Mr. Rosamond's goat.

ATTY. FOR PLTFF.—What was the value of the stage coach?

ATTY FOR DEFT —(with much spirit) We object to the question

JUDGE—State your objection.

ATTY. FOR DEFT,—The attorney, your Honor has not qualified his witness

ATTY. FOR PLTFF.—Do you know the value of the stage coach, if so state its value?

MR B.—I know the value of the stage coach it was worth \$500.00.

ATTY. FOR PLTFF.—If you know, as you say, that Mr. Rosamond's goat caused the shed to fall upon the coach, state how he did it.

MR B.—Mr. Rosamond's goat, a vicious and un-neighborly beast, ate the grass rope that held the

rafters, which, then, being without support fell.

ATTY. FOR PLTFF.—(To atty. for deflt.) You may take the witness.

AY. FOR DEFT —Did you see the goat eat the rope?

MR. B.—I did not.

ATTY. FOR DEFT —Then, you do not know of your own knowledge what caused the shed to fall?

MR. B.—(with spirit) But I feel quite certain

ATTY. FOR DEFT.—Hold on! Answer my question.

MR B —(becoming excited) Of course I didn't see the beast eat the rope, but anybody knows

ATTY. FOR DEFT.—(interrupting witness) Then is it not probable that the rotten condition of the shed, rather than the goat, caused it to fall.

MR B —NO SIR, my shed was safe and strong, good for twenty years.

ATTY. FOR DEFT —Is it not a fact that you do not know any thing about the falling of the shed?

MR. B —No sir, it is not a fact.

ATTY FOR DEFT.—Is it not a fact Mr. Barbee, that you and the goat were not on friendly terms?

MR B —Well, I can't say that I liked him very much but I never had any words with him.

ATTY. FOR DEFT.—You may be excused. (Mr Barbee takes his seat by his Atty. and dries his face with a large red handkerchief.)

ATTY. FOR PLTFF.—We rest.

ATTY. FOR DEFT.—Mr. Rosamond will be sworn. (Mr. R. comes forward and is sworn by the clerk, he then takes the witness chair)

ATTY. FOR DEFT —Are you the defendant in this case?

MR. R.—I am.

ATTY. FOR DEFT —Tell the court all you know, if any thing, about the coach and the goat.

MR R. I, had a very fine goat, worth \$200.00, I found him crushed to death beneath the wreck of Mr. Barbee's coach and shed. My son Johnnie used him

to draw a little wagon loaded with potatoes and such like.

JOHN NIE—(half crying) Pa, I want my goat back.

(Mr. Rosamond continues with his statement) The goat was peaceable, quiet and not given to mischief.

ATTY FOR DEFT.—(to Atty. for Pltff.) You may take the witness,

ATTY. FOR PLTFF.—I have no questions, you may be excused.

JUDGE—The attorneys may now present their arguments.

(Attorney for Plaintiff steps forward and speaks)

Your Honor, it is with no mean pleasure that we appear before you today; yea, we can truly say that the pleasure we feel is exceeded only by the justice of our cause. We come, not as suppliants, pleading for mercy but as law abiding citizens asking, yea, demanding justice and justice only.

Let us, Your Honor, look to our cause. We allege and have shown that the plaintiff is an honorable man engaged in an honorable and legitimate business, that of transporting for hire the weary traveler over hill and down dale; that he was the owner of a valuable stage coach which was a prerequisite to his business. We find that this plaintiff one Sunday about two weeks ago, with due care and precaution, had placed his coach beneath the sheltering roof of his strong and commodious shed, and in order, your Honor, to make it doubly safe, he made the rafters of the shed secure by means of a strong and substantial grass rope. Let, us then follow this plaintiff to his quiet and peaceful home where we believe he spends this day of rest in pious meditation in the bosom of his worthy family.

Now, your Honor, let us look at the offending party, Mr. Rosamond's goat. We see him with intent malice in his heart, bent upon mischief, disregarding the sanctity of the day, deliberately walks to the shed where in persnance of and with his diabolical and atrocious intent and purpose, he maliciously eats the grass rope and destroys the valuable property of this worthy plaintiff. Think, Your Honor, of the conster

nation that swept like a deluge over the heart of this plaintiff when he beheld the wonton destruction; think of his wife and helpless children suffering for the bare necessities of life all because his honorable occupation is gone, swept away by the vindictive act of Mr. Rosamonds wicked and unfeeling goat. I shudder when I think of the boldness of this animal; how he, uninvited mounted this coach. It does not appear that he even offered to pay the price of his ride into eternity upon this illfated stage coach, which fare we claim in addition to the heavy damages we hope to recover. Think, Your Honor, of this beast, a menace to decent society, walking and stalking the world over, like Satan, seeking whom he may devour and what he may destroy.

We leave our cause to your most excellent judgment, believing as we do that right and justice, the synonyms of our plea, will be awarded.

(Speech of Attorney for Defendant)

It is neither my intention nor desire, Your Honor, to annoy this honorable Court with a long, useless, and noneensical harangue as did the attorney who has just preceded me. Not only is his sophistry disgusting in the extreme, but his pretended arguments bring a blush of shame, when we think of the renowned profession to which he belongs.

Let us, Your Honor, for a moment look to a few of his vain attempts. He does not deny that the unfortunate and deeply lamented goat was, against his will, cruelly and wickedly hurled into eternity; yet, this misguided attorney in his wild and fastastic zeal so far oversteps the bounds of all reason and logic as to claim that the goat should pay for his unhappy ride. This alone shows that the author of such fallacy is incapable of even discussing with any degree of reason the question at bar; it not only shows but proves conclusively that he has no comprehension of the real issue in this case. But we are not through. If the plaintiff earnestly and sincerely desired to make his dilapidated shed safe and protect his almost worthless coach from destruction, why did he use so frail and uncertain a means as a grass rope. In this act, Your Honor, I see a palpable and obvious trap. He well knew the worn out condition

of both coach and shed, and it is more than likely that he placed this tempting morsel of grass in order to entice this innocent and unsuspected goat to his death and at the same time bring about the destruction of the coach, thinking, no doubt, that he could inveigle, Your Honor, into awarding a large sum in his favor.

Think of this goat in all his purity and innocence going out on a Sunday afternoon to take a walk, no doubt for the benefit of his digestion and to admire the beauties of nature; but, Oh Horror, think of his tragic end!

We not only claim that this plaintiff on account of his contributory negligence is not entitled to recover a cent for his supposed loss, but is responsible for the untimely and mournful death of the goat and is directly responsible and liable for his value.

The plaintiff asks that you give him justice, we say let him have it, by awarding this defendant judgment against him for the value of the goat and all costs of suit.

We now submit the case to Your Honor's unerring judgment.

JUDGE—In order that the Court may carefully consider the matters and things so clearly set forth by the learned counsel, it will take the case under advisement until tomorrow morning at which time a decision will be rendered. The Sheriff will adjourn court.

SHERIFF—O Yez, O Yez, O Yez, The Honorable Court is now adjourned.

CURTAIN



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