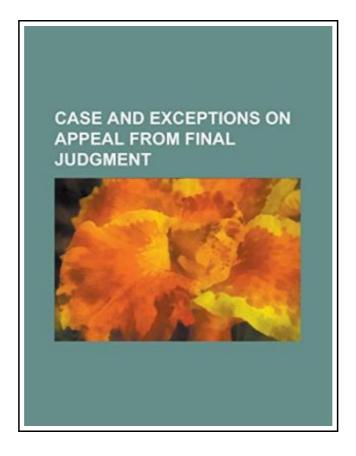
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CASE AND EXCEPTIONS ON APPEAL FROM FINAL JUDGMENT



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Rarebooksclub.com, United States, 2013. 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 usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1902 edition. Excerpt: .It must be read in connection with the complaint and with the subsequent allegation in the affidavit (fol. 75) in which plaintiff swears that his services were not to be paid for in any other wise than by a share of these profits. Strip the complaint and the affidavit of all conclusions and opinions of the plaintiff, and is there any basis for the claim of \$1,000,000, except the alleged affirmative answer which Hoadley gave to the plaintiff s question, Will I make a million dollars out of it? Is there any proof as distinguished from averment that International Power Co. promised \$1,000,000? To use the language of Justice Beerman in one of the cases above cited, is this a case in which it may be reasonably inferred that, if the plaintiffs should establish their right to recover, the jury would award them the amount they claim, or anything in any way approaching it? THIRD. The moving papers are fatally defective. Material facts are stated without sources of information, and with no evidence from which the inference can be drawn that the affiant has personal knowledge. Material averments are also made upon information and belief without any statement that the affiant believes such information to be true. Attachment is a summary remedy. The property of the defendant is taken from him by an execution before trial. The Courts have always insisted that the right of the plaintiff be clear that his pi oof...

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