

\$500,000 Suit

NOV 4 1950

Testimony Ends

Case Goes to Jury Probably Thursday

Little Valley — Jurors have received all the evidence in the \$500,000 damage suit brought by the Fancher Furniture Company, Salamanca, against the Arabol Manufacturing Company, New York City. A recess was ordered Friday afternoon by Supreme Court Justice Hamilton Ward until Wednesday morning when the jury will hear summary arguments and receive the case sometime Thursday.

They heard the last in a procession of ninety witnesses who have testified since the case opened here for a record run Oct. 2.

Concluding witness was Charles Lichtenberg, Longmeadow, Mass., summoned from vacation to rebut testimony given for the plaintiff Thursday by Kenneth A. Wilson, formerly an adhesive salesman for the Montsano Chemical Company in which Lichtenberg is vice-president and assistant general sales manager.

He was permitted to testify that the adhesive industry has a custom of not giving a warranty on products, but the court ruled out questions by Defense Counsel Ulysses S. Grant, of New York City, which, the attorney said, were to impeach Mr. Wilson's testimony. Lichtenberg stated he could not contradict Wilson's testimony of his own knowledge. Mr. Wilson said warranty was a glue industry practice.

Recalled for plaintiff's rebuttal, wood experts reaffirmed that joint openings in exhibits of Fancher furniture resulted from glue failure. In reply to questions by Plaintiff's counsel Clayton M. Smith, Buffalo, it was stated that a glue suitable for making furniture would not have failed throughout the normal five per cent variation in humidity to which dining room furniture in use is subjected.

Justice Ward ruled for the defense in striking out Fancher's fourth cause of action, which alleged the plaintiff used words "negligently and recklessly" when the initial sale of Arabol GRB-10 glue was made to Fancher.