

1919

ALBION W. TOURGEE,
ATTORNEY,

Salem
Raleigh, N. C., 6th June 1876

S. M^cD. Tate & others
Commissioners of the Western
N. C. R. R. - vs

Jacob S. Allen & others - directors
of N. C. Penitentiary -

In this action it is agreed by the counsel for the respective parties as follows -

1- That the issues of fact raised by the 3rd & 5th paragraphs of the 1st defence set out in the answer are waived by defendant's counsel.

2- That the case be heard by the court ^{with the above exceptions} upon demurrer to the answer, motion to quash the answer, or motion for peremptory mandamus as plaintiffs counsel may elect.

3. That in case the judge finds for the plaintiffs ^{holds with} no writ of mandamus shall issue, but only an order be taken ^{which shall not be served on the defendant} therefor, until the case shall have been heard by the Supreme Court upon appeal or certiorari as the defendant's counsel shall elect -

J. M. Workle atty for
Plffs

Conrad Leung
& RR case.

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013