RIVAL GROCERS IN LEGAL FIGHT

Last of Unique Damage Suits Are Thrown Out of Court.

The great Spielberger-Friedman damage suit went down in disaster yesterday morning when Judge Calhoun threw it out of court. The bitter legal fight between Jacob Spielberger and Morris Friedman has been going on for a long while and there have been suits and counter suits, covering as much as $15,000 damages filed first on one side and then on the other.

In Judge Calhoun's branch of the city court yesterday the last case was heard, and this has probably forever ended the court fights between the two rival merchants.

Morris Friedman, who has a grocery store at No. 465 Auburn avenue, first sued Jacob Spielberger for $5,000 for alleged defamation of character; while this suit was pending, Spielberger filed a suit for $10,000 against Friedman. Although filed last, Spielberger's suit was heard first in Judge Reid's branch of the city court and the jury brought in a verdict for Friedman. Yesterday morning Friedman's suit for $5,000 against Spielberger was taken up in Judge Calhoun's court. In his declarations Friedman said that Spielberger had told it all over the city that he, Friedman, ran away from New York, had no name he could own publicly and that all his property was in his wife's name.

Spielberger as a set off declared that both Mr. Friedman and Mrs. Friedman had called him a liar and thief and a beggar, and Mrs. Friedman had asked her husband to "kick" him.

It was shown that the two men had stores opposite each other on Auburn avenue and that an effort to get trade by cutting prices was at the bottom of the whole trouble. The case was very interesting and decidedly unique. When Mrs. Friedman took the stand her testimony caused some hilarity, which the deputy sheriff had to check.

Finally just as the great damage suit was getting almost sensational the judge ordered the jury to retire and then informed counsel that under the law the plaintiff could only claim special damages and none had been shown by the evidence. The jury was called back and instructed to return a verdict for the defendant.

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