

## Clark vs. Dwiggins

Montgomery County, Indiana

Waveland Independent

Waveland, Montgomery County, Indiana

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Clark

Dwiggins

The case of Clark vs. Dwiggins has been reversed by the Supreme Court. It will be remembered that Milton Clark sued Mrs. Dwiggins for the price of a tombstone she had contracted for. The facts were that when the tombstone was ready to deliver, Mrs. Dwiggins notified Clark that she would not take it. The Court holds that inasmuch as the title to the tombstone never passed to Mrs. Dwiggins, Clark could recover only the difference between the contract price and the value of the tombstone at the place of delivery. The lower Court having instructed the jury that Clark could recover the contract price, the judgment was reversed for his error in giving instructions.