

MERCER QUARTERLY COURT

Claude Whitenack

Plff

-vs- Petition

~~Walter Martin, J. W. Davenport and~~

~~George Durr, partners doing business~~

~~under the style and name of Martin~~

~~Garage & Implement Co,~~

Defts

The Plff, Claude Whitenack states that the Defendants

~~Walter Martin, J. W. Davenport and George Durr are partners and doing~~

~~business under the name of Martin Garage & Implement Company and were~~

~~engaged in selling machinery and automobiles, and were so engaged at~~

~~the time of the transactions hereinafter stated. They say that on~~

~~July 30th 1914, the Def mants sold to the Plff an automobile for the~~

~~sum of \$950.00 to be paid for as follows; \$100. cash, and \$55. per~~

~~month until the machine was paid for. He states that he paid the~~

~~Defts the \$100. cash on said machine as per said agreement, but that~~

~~Defts have failed and refused to deliver him the automobile purchased~~

~~under said agreement , although he has demanded its possession. He~~

~~states that said machine under said agreement was to be delivered to~~

~~him immediately on payment of the cash consideration of \$100. He~~

~~states that on this date he demanded possession of the automobile pur~~

~~chased under said agreement and when that was refused, he demanded the~~

~~return of the \$100. cash payment, both of which demands have been~~

~~refused by the Defendants. He states that by reason of the payment~~

~~of said sum to the Defts. and their refusal to return the same or to~~

~~deliver him the machine purchased he has been damaged in the sum of~~

~~\$100.~~

Wherefore he prays judgment against the Defts for said sum, his