

MERCER QUARTERLY COURT

Claude Whiteneck

Plff

-vs- Petition

Walter Martin, J. V. Davenport and

~~George Dunn, partners doing business
under the style and name of Martin~~

Garage & Implement Co., Defts

The Plaintiff, Claude Whitenack states that the Defendants

Walter Martin, J W Davenport and George Dunn 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 Defendants sold to the Plaintiff 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