

and charges that the plaintiff has failed and refused to pay the remainder of the consideration, amounting to \$850.00; that it was a part of the of sale that the plaintiff was to pay for said machine in cash before delivered to him. *It now offers & tenders to deliver said machine to Plaintiff upon payment of \$850.00*

It says that by reason of the failure of the plaintiff to ~~xxxx~~ machine when tendered to him and pay therefor according to the terms of -chase that it has been damaged in the sum of \$101.00.

Wherefore it prays that the petition be dismissed and that it er over against the plaintiff the sum of \$101.00 and costs and all proper relief.

C.E. Rankin, Attorney.