

Mercer Quarterly Court

Jellico Clothing Manfg Co

Plaintiff

-v- Answer and Counter-claim

T. H. Carter

Defendant.

Comes the defendant and for answer and counter-claim against the plaintiff states that May 12, 1917 he purchased from the plaintiff and the ~~def~~ plaintiff sold to him 25 dozen overalls which were to be shipped within a reasonable time after July 1, 1917, as appears by the order of said May 12, 1917; that the plaintiff failed to ship said goods within a reasonable time after July 1, 1917, and some months thereafter did ship the defendant 12 doz lot 99 and 4 doz lot 99 which this defendant received and paid for; that the plaintiff led the ~~me~~ defendant to expect shipment of the remainder and held out to him that it should complete said order thereby preventing him from buying elsewhere until about April 1, 1918 at which time it finally refused to make shipment of the remainder of said order, which remainder was 6 doz little ben 7 to 16 lot 20 and 3 doz youths ~~22~~ 29 to 31 lot 70; that this was the first intimation this defendant had that it would not make shipment of said goods. He says that by reason of the failure of the plaintiff to comply with said order and deliver the remainder thereof that he has been damaged in the sum of \$135.00, ~~.00~~

Wherefore he prays judgment against the plaintiff for the sum of \$135.00 and costs and all proper relief.

C.E.Rankin Attorney for Plff.