

12
W. 309
9 2
Mercer Quarterly Court-

Homer James-

Plff-

Vs- Answer & Counter Claim-

Harvey Payne-

Dft-

Comes now the defendant, Harvey Payne, and for answer to plaintiff's petition and by way of counterclaim and denies that he owes the plaintiff \$40.00 or any other amount, but alleges that he made and entered into the following contract with plaintiff: He agreed and bound himself to furnish one horse and a one horse wagon and his labor with same to be used in connection with the labor of plaintiff to remove a certain quantity of stalks from a lot on plaintiff's place in consideration of the plain for an old garage, or out building, and that plaintiff without giving him an opportunity to do said work employed another hand and he and said hand did the work and that said work was of the value of about \$10.00- not exceeding said amount- He says that said plaintiff owes him \$16.00 for board and \$30.00 for damages to a field of barley by allowing his tenants to pasture same-

Wherefore defendant asks for a judgment on his counterclaim for the sum of \$46.00 and all the costs of this action-

R. L. Black-