

They say that the ^{plaintiffs} ~~defendants~~, by themselves, their agents, and by others at their instance and request and acting for them, wilfully maliciously and intentionally moved and changed the pins and marks of said foundation after plaintiffs had set the same and marked it off, for the malicious and evil purpose of misleading the defendants in setting their foundation; that the defendants while exercising ordinary care in setting said foundation according to the marks there made, and without any knowledge of any change set it incorrectly and were compelled to move the same, and thereby lost heavily to them.

They aver and charge that said work was either negligently done, or it was wilfully done incorrectly, or that ~~xxxxxx~~ the marks for the foundation were changed after it was done, as is set out in the three preceding sections but they do not know which allegation is true, although one or the other is true and they plead the same in the alternative for this reason.

They charge that they were injured and damaged by the foregoing in extra ~~xxx~~ labor, loss of time, loss of material, to the amount of \$50.00, and that they are entitled to recover punitive damages for the malicious and wrongful moving of said foundation markers as above charged. They charge the plffs and each of them is insolvent and worthless.

Wherefore they pray judgment against the ~~plaintiffs~~ for \$302.50 to be offset against any amount due the plffs, and a judgment over for the balance due them, and for their costs and all proper relief.

Ch. L. Kline
Attorney for Defendants.