

Plaintiff says that he does not know which of the allegations are true but that one of them is true.

Plaintiff says that in order to place the defendants on notice that said tobacco owned by said John Hellard was mortgaged, that he through his attorney, Errol W. Draffen, notified N.B. Smith, one of the defendants herein, that said tobacco was mortgaged to this plaintiff but that notwithstanding the notice duly given by this plaintiff and the notice which the defendants had by reason of the mortgage being duly recorded in the Mercer County Clerk's Office the said defendant received the mortgaged tobacco for sale and that no part of the proceeds from the sale of said tobacco was turned over and delivered by either of the defendants to this plaintiff.

WHEREFORE, Plaintiff prays for judgment against defendants, N.B. Smith, S.B. Fenner and John Hellard for the sum of \$125.00 ; for cost of this action and for all other relief to which he may appear to be entitled.

Errol W. Draffen
Attorney for Plaintiff