

Mercer Quarterly Court

Sparrow & Sutherland, partnership

Plff

of T. W. Sparrow and C. C. Sutherland

-v- Statement

The Commercial Finance Co.,

Defendant

The Plaintiffs, T. W. Sparrow and C. C. Sutherland state that they are partners under the firm name of Sparrow & Sutherland; that in the year 1914 or 1913 they purchased from the defendant a bill of queensware and dishes amounting to about \$75.00; that at the time of and before said purchase the defendant in order to induce them to purchase said bill of goods falsely and fraudulently represented to them that the goods purchased were the same as and according to samples exhibited, and were good saleable queensware and dishes of good material, well made, and the defendant guaranteed said goods to be according to said samples; but they state that the goods were not according to the samples but were inferior in quality not well made not decorated according to the samples and were when delivered practically worthless and worth much less than the goods according to the samples; that they have paid the amount of said bill, and have been damaged by reason of the foregoing facts to the amount of \$45.00. They file this statement and reserve their right to plead orally herein.

They state that the defendant is a corporation organized and existing under the laws of some foreign State and not organized or existing under the laws of the State of Kentucky; that the defendant and its stockholders, and officers and members are non-residents of the State of Kentucky, and now absent therefrom; that this is an action for money recovery of money; that the nature of the claim is set out herein; that it is just;