

FLOYD CIRCUIT COURT.

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NORTHERN COAL & COKE COMPANY,

PLAINTIFF.

VS.

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AFFIDAVIT.

JOHN MOORE, ETC.,

DEFENDANTS.

The affiant and defendant, John Moore, says that he is 75 years old, and resides on the left fork of Beaver Creek in Floyd County, Kentucky, a distance of about 25 miles from the county seat of this county, and that he is a defendant in the above styled cause; that he and his wife, Rhoda Moore, sold and agreed to convey the mineral interests and property rights in the tracts of land mentioned and described in the petition herein to the Ohio and Big Sandy Land Association, and the other company therein mentioned, and received at the time of said sale the amounts of money as specified in the judgment.

That by reason of his extreme old age and the condition of his health, he does not make frequent visits to the county seat of his county and comes only when he is required to come by process of this <sup>Court</sup> or has important business to look after; that he came to town this week to attend the present session of this court, and upon the advice of his counsel, learned that the money due him from the sale of his mineral under the contracts to be enforced in this action, had been paid by the Northern Coal and Coke Company, plaintiff herein, into the hands of the Master Commissioner of this court, and that a judgment had been rendered the said Commissioner to pay certain portions of said fund to Walter S. Harkins and R. S. Booten on claims alleged to be due them from the estate of D. W. May, deceased; that upon his arrival here this week was the first time that he had learned these facts;