

In the Court of Appeals of Kentucky.

John E. Ratliff,
W. E. Coleman, and
Adam Venters, composing the firm of
J. E. Ratliff & Company Appellants.

Against// Brief for Appellants.

Thomas May,
S. H. May,
A. P. W. May,
Alice Marrs,
D. F. May,
Mollie E. Stratton, and Frank Damron
and Edgar Damron, by their next
friend, Thomas May. Appellees.

May it please the Court:-

This action was instituted in the Pike Circuit Court on the 19th day of August, 1902, by Appellees, Thomas May &c., Vs Appellants, J. E. Ratliff & Co., in which action Appellees seek to recover of Appellants the sum of \$3074.50 for timber and timber trees, as alleged by Appellees which were cut from and were standing on a One Thousand Acre survey, patented to John May and David May, in the year 1860.

Appellees sue as the heirs at law of David May, (deceased) Appellees also set out in their petition a writing, signed by Appellants, in which writing Appellants promise and agree to pay said sum for said timber. (see pages 1 to 3 of record) Appellants by answer, claim that their signatures to said writing was obtained by false representations, made by Appellees, as to the location of said "May" survey, and Appellant charge in their answer that Appellees knowledge as to the location of the "May" survey was superior to the knowledge of Appellants, and this charge is nowhere denied by Appellees. (see page 12 of the record). Appellants in their said Answer deny that the timber in controversy grew within the One Thousand acre patent to John and David May, under which Appellees claim, but claim that Appellants own the land on which this timber grew, Appellants having purchased said land from one