

Mercer Quarterly Court.

Sloan Eastland

Plaintiff.

-v- Answer and counter-claim.

T. H. Royalty

Defendant.

1.....Defendant, T. H. Royalty, answering herein, says that on Jan 23, 1914 he paid the plaintiff on said note the sum of \$16.00, for which he has received no credit, which amount he paid by check on State B. & T. Co of Harrodsburg, Ky, which check is filed as part hereof marked No. 1 for identity.

2....Further answering, defendant says that the note sued on is without any consideration whatever, for the same.

3....Further answering defendant says that some time prior to the execution and delivery of the note sued on, he and the plaintiff Sloan Eastland, with others persons, whose names he cannot now give, engaged in a game known as poker played with cards in Danville, Boyle County, Kentucky; that he and the plaintiff both played with cards in said game, and both bet, wagered, won and lost money of value in said game; that in said game, he lost money to the amount of \$119.00 or over; that as the game <sup>ad</sup> progress, he was furnished money from persons, or a person, engaged in said game, and said money being furnished and lent to him while he, and all the others were engaged in and actually playing said game and said money being furnished for the purpose of gambling and of playing in said game; that as said money was furnished he gave checks, or a check, on State Bank & Trust Co of Harrodsburg, Ky to the amount of \$119.00, and that the sole and only consideration for said check was the money so fur-