

by check filed and made a part hereof marked No. 3, and in addition paid plff the sum of \$16.00 as shown in paragraph No. 1, making a total payment to him of \$55.37; that said money was paid to the plaintiff in payment of, and as payments on, <sup>the</sup> debt due to him for money lost in a game of poker, in which both the plff and the deft participated, and was for money furnished to him while the gaming was in progress and at the time and was and is for money loaned and furnished for the purpose of then and there using it in gaming at a poker game. He makes this paragraph a counter-claim against the plaintiff.

5....Defendant further answering and further by way of counterclaim says that in Danville, Ky, prior to the execution and delivery of the note sued on, the plaintiff invited and persuaded this defendant to go into a gaming and gambling house, and a place wherein cards were habitually played for money, and money was wagered, bet, won and lost on card games including the game of poker; that while in said room and at and on the time of the invitation and persuasion of the plaintiff, he engaged in said poker game, with the plaintiff and other persons, and then and there lost money to the extent and value of \$119.00, all of which was lost within ten hours of play, and at the same time, and during the same continuous game; that the money thus lost is connected with and a part of the transaction sued on by plaintiff, in this, that the note sued on was executed in part payment of the losses thus lost in the game.

6....Defendant for further answer, denies that plaintiff's claim is just; denies that plff ought to recover of him the sum of \$81 or any sum or at all, or any interrest or cost; denies that he is, or was at the time the suit was filed, about to sell, or convey or otherwise dispose of his property, or of any thereof, <sup>or any</sup> with the fraudulent intent to cheat or hinder or delay the plff, or any one or at all; denies that he <sup>had</sup> was about to sell or dispose of the same or to hinder or delay any one.