

KENTUCKY COURT OF APPEALS .

NANNY J. HONAKER, APPELLANT.

-AGAINST- // BRIEF FOR APPELLANT.

JAMES HONAKER, APPELLEE.

MAY IT PLEASE THE COURT:-

This appeal is prosecuted from and to reverse the judgment of the Floyd circuit court, in a case late pending therein styled as above.

The plaintiff and defendant were married to each other. The defendant, James Honaker, had been previously married, had one child and was a merchant in a small way. Soon after their marriage, James Honaker's creditors began to urge payment of their bills, and finally, Keel & Company made an assignment for the benefit of their creditors. The assignee, after disposing of a good many of the goods in the store, sold the remnants in a lump to Nanny J. Honaker, the appellant and plaintiff. She added to this small beginning from time to time and thus enlarged the business. In those days, as now, it was often the case that merchants engaged in logging business, in aid and in furtherance of the store. As the custom was, Mrs. Honaker contracted and paid for some timber trees, had them cut, hauled and marketed, paying the bills out of the store, and when the timber was marketed, from the proceeds of the timber, the "Jobben" bills were paid. The business all this while was in the name of Nanny J. Honaker. Later on Nanny J. Honaker purchased from the widow of R. M. Kidd a tract of land on Little Mud Creek, (Frog Branch), at the price of \$ \_\_\_\_\_, One