

FLOYD CIRCUIT COURT.

M. M. Collins,

Plaintiff.

VS.

PETITION.

R. D. Clere and Fred Blackburn,

Defendants.

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The plaintiff, M. M. Collins, says that he is the owner, has the legal title to and the actual possession of the following described tract or parcel of land, situated in Floyd County, Kentucky, on the waters of Right Beaver Creek, below the mouth of Jones Fork, and bounded and described as follows, to-wit:

"Beginning at a sycamore tree near the lower edge of County road and running up with the lower edge of same to a mulberry and hackberry bush; thence to center of the public road; and with the center of same to Dr. Collins' line; thence with his line to top of hill to T. G. Allen's line; and with his line along top of hill to opposite a bunch of dogwoods marked near a dwelling house where Ellis Martin lives in at this time (August 15, 1911) belonging to Leck Martin; thence a straight line from the top of the hill down the hill to dogwood mentioned above; thence round hill with Leck Martin's line opposite the beginning; and thence a straight line down the hill to Beginning."

That the defendants, R. D. Clere and Fred Blackburn, are engaged in operating a coal mine now known as the Zella mines, which said coal mine has been opened on lands adjacent to the tract of land hereinbefore described, and that in the development and operation of said mine, the said defendants, R. D. Clere and Fred Blackburn, have driven the headings in said mine in such a manner and in such a direction that the