

PIKE CIRCUIT COURT.

Elias Hatfield, *****Plaintiff,

vs.) Exceptions to depositions.

Blackberry Coal Company et als, *****Defendants.

The Blackberry Coal Company and others except to the depositions herein filed on January 23rd, 1909, purporting to have been taken on the 14th day of January, 1909, at the school house near the forks of Blackberry Creek, in Pike County, Kentucky, to-wit: That of A. Scott, B. W. Alley, J. H. Brown, Ali Ferrell, J. B. Slater, M. G. Clay, J. J. Kimberly and Amos West, for the reason that the said depositions were taken without sufficient notice to the defendants herein, in that on the 14th day of January, 1909, the defendant, after receiving notice that the depositions would be taken by the plaintiff at the time set, sent an attorney from Huntington, West Virginia, to the place named in the notice, for the purpose of cross examining said witnesses, who remained there until it was ascertained and he believed that plaintiff's attorney would not be present and the depositions would not be taken, whereupon, the attorney representing the defendants herein returned a distance of several miles to the railroad station, and on his way home to Huntington, met the representative and attorney for the plaintiff herein, late in the afternoon of the 14th day of January, who then tried to get defendants' counsel to agree to take the depositions the following day, which the attorney for defendants declined to do for the reason that he, the said attorney for defendants, was then sick, had experienced great difficulty in crossing