

Walter S. Harkins,
Counsellor at Law,
Prestonsburg, Ky.

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M. F. Elliott, Atty.,

Oil City, Penna.

Dear Sir:-

Your esteemed favor returning the cases sent up by Mr. Dimick was duly received and would have had an early reply, but for the fact that I have been so much engaged with matters in the Court of Appeals that I have found no time to reply until now.

Excusing the delay and thanking you very much for the kindly mention of the efficiency of the work, I beg to say that in the matter of the two cases versus Mr. Allen brought to annul the leases which he had taken on lands previously leased to Dimick & Gornley, the land owners were previously omitted for the reason that we wanted them to side with us, and to have made them parties defendant; would have allied them with Mr. Allen, and would have aided him in the employment of Counsel, who would have advised them upon the same line, and thus had them co-operating in the matter of preparation and proof, while our cases are sufficiently strong to win even under those conditions, I felt it would be better to keep in touch with the land owners as nearly as possible. Mr. Allen would have the power by special deurrer to compell us to make the land owners a party, in which event the odium for so doing would attach to the defendant, and we would then get the support we wish from the land owners, and yet have him before the court properly.

Or should the defendant not file a special deurrer, we can at any time amend and make them a defendant.