

1107  
Perry Circuit Court.

Bert Feltner, by his next friend,  
T. W. Couch,

Plaintiff.

VS. Petition.

Mason & Hurst, a partnership, individual  
names as follows: John Hurst, Robert Mason,  
and L. P. Mason, and Lexington & Eastern  
Railway Company,

Defendants.

The plaintiff, T. W. Couch, who sues as the next friend of Bert Feltner, states that he is a resident of this state and is free from all disabilities and that Bert Feltner is an infant and has no guardian, curator or committee residing in this state.

The plaintiff, states that the defendant, John Hurst, Robert Mason, and B. P. Mason are now and were at the time the wrongful acts herein complained of were done, partners doing business under the firm name of Mason & Hurst and engaged in railroad construction work; that the defendant, Lexington & Eastern Railway Company, is a corporation created and existing under the laws of the state of Kentucky with power to sue and to be sued, contract and be contracted with and has for its business general railroading and known as a common carrier; that it own and operates a line of railroad from Lexington, Kentucky, to Jackson, Kentucky, and has been for the last eighteen months extending its line of railroad from Jackson, Kentucky, through Breathitt County, Perry County, and Letcher County, up the North Fork River known as the "North Fork Extension of said line".

He states that the defendants, said Mason & Hurst, were employed to and did build for the said Lexington & Eastern Railroad Company a portion of said extension including the Yerkes tunnel near