

Lexington and Eastern Railway Company,

Samuel M. Wilson

*~~C. F. Jewett,~~
General Counsel.*

Legal Department

Lexington, Ky.

~~Winchester, Ky.,~~

February 20, 1913.

Mr. W. E. Smith,
Superintendent of Construction,
L. & N. R. R. Co.,
Louisville, Ky.

Dear Sir:-

Replying briefly to your favor of the 17th instant, asking advice as to the best method to pursue in the effort to close a portion of the public road in Letcher County for a distance of five or six miles and to open a new road in lieu thereof for about the same distance, I write to say that, until your letter called my attention to it, I had not examined the Road Law passed by the Legislature in its regular session at 1912. This Act is so very long and covers such a multiplicity of matters that I have not tried to read it word for word, but I think I have examined it closely enough to discover that it is very loosely drawn and rather difficult to digest. At this writing, I do not feel that I have sufficiently mastered this recent bit of legislation to furnish you a working analysis of it. This I will endeavor to do in the near future.

For the present, however, it may not be amiss to offer what may prove to be a few suggestions of a practical nature. I call your attention, first of all, to the provisions of Sections 77 and 78 of the Act, which seem to require, that where an existing public road is obstructed by the construction of a railroad, that the cost of altering and restoring the old road or of opening a new road in lieu thereof must be borne by the railroad causing the obstruction. I do not stop to discuss the question, but these Sections, as well as other sections of the same Act, suggest doubts to me as to the validity of this law. Taking it, however, at its