

COURT OF APPEALS OF KENTUCKY.

Lexington & Eastern Railway Company,

Appellant.

v. REPLY BRIEF FOR APPELLANT.

H. C. Boatright,

Appellee.

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We desire briefly to reply to the Brief filed in behalf of the Appellee, confining what we have to say to Appellee's summary of the facts and to his citations of law.

THE FACTS.

Counsel for Appellee seem to treat the proof as showing quite conclusively and as a matter of course that plaintiff's property suffered serious damage and that this damage, at a fair computation, amounted to at least Two Hundred Dollars (\$200.00) in the amount assessed by the jury.

A fair and candid examination of the transcript of the evidence, however, will indubitably establish the fact that the verdict was excessive. The plaintiff's property, according to his own claim, contained a bare fraction over ten acres (Transcript of Evidence, p.11,) and treating his own appraisement of the value of this tract as competent, its maximum value did not exceed One Thousand Dollars (\$1000.00), while the large preponderance of the testimony, both competent and incompetent, put the maximum value at not exceeding Eight