

November 13, 1916.

Hon. B. D. Warfield,
District Attorney, L & N R R Co.,
Louisville, Kentucky.

Dear Sir:

I have yours of the 11th instant, enclosing Judge Carroll's Opinion in the case from Breathitt Circuit Court of L & E Ry. Co. v. Logan Smith's Admr. Like yourself, I am greatly disappointed at the unsatisfactory character of this Opinion. Saying it without any disrespect to the Court or to Judge Carroll personally, the Opinion gives me the impression of a very slovenly or hurried piece of work. It gives one the impression of haste and superficiality. However, as you have pointed out, it does contain one crumb of comfort.

It is my opinion that on a retrial of this case the plaintiff will have no difficulty in making out a case for the jury as to the use of the Jackson Yards by employees of the Railway Company in such numbers as to put upon the Company the duty of keeping a lookout, etc. for employees situated as Smith was at the time he was killed. This being so, I think it would be good business to take steps at once to bring about an amicable settlement of the suit on reasonable terms. I am herewith returning the typewritten copy of the Court's Opinion and thank you for having sent it to me.

enc.

Very truly yours,

SMW/a

Counsel.