

*Copy of pleading actually
filed by defendant.
Sept. 17-1914-*

PERRY CIRCUIT COURT.

F. S. STACY,

PLAINTIFF.

VS. DEMURRER AND ANSWER.

LEXINGTON & EASTERN
RAILWAY COMPANY,

DEFENDANTS.

Defendant demurs generally to plaintiff's petition of February 19, 1913, upon the ground that same does not state facts sufficient to constitute any cause of action against this defendant.

I.

Without waiving its demurrer aforesaid, the defendant, Lexington & Eastern Railway Company, for answer to so much of plaintiff's petition as defendant is advised it is necessary or material to make answer to, denies that at the time, or on the occasion mentioned in the petition, plaintiff was engaged in performing labor for defendant as a track walker, or at the order or request of defendant was walking through Monday's Tunnel on defendant's line of railroad, or was so laboring or walking through said Monday's Tunnel in performance of any duty of his as employe of this defendant; and denies that while plaintiff was so engaged in performing labor as a track walker, or at the order or request of defendant was walking through said Monday's Tunnel on defendant's line of railroad, or while engaged in the performance of any duty of his as employe of defendant, or while walking through said tunnel at the order or request of defendant, or at all, received the injuries, or any injuries, complained of in the