

L 47-1916 8132 2 - 7 '16

February 25, 1916.

Messrs. Wootton & Morgan,

Hazard, Kentucky.

Gentlemen:

I have yours of the 17th instant, in reference to the suit in Letcher Circuit Court of H. M. Addington v. the Company. The result of this case was, in my opinion, wholly underserving and utterly unjust, but when the presiding Judge allows a case of this character to go to the jury, it is a foregone conclusion that the verdict will be adverse, particularly when the jury must be drawn from a panel such as that presented at the recent term of the Letcher Circuit Court. I am mailing a copy of your letter to Mr. Warfield for his information.

You are slightly in error in saying that I was present at the trial of this case and know about it. The evening before the case was tried, as you will remember, the Copley case had just been concluded and I was busy from that time on with the preparation of the necessary papers and orders in the Copley case and had absolutely no time whatever to give to the actual trial of the Addington case in court. However, on the evening before the Addington case was tried and, after the verdict in the Copley case had been returned, I took time to go over the pleadings in the Addington case very carefully and prepared an Amended Answer, which it seemed to me was necessary in order to raise more sharply the issue as to whether the place where the plaintiff's mule was hurt was really a public crossing or not. On the day the Addington case was tried you were compelled to be in Hazard and I, being busy with the Copley case, had to leave the actual trial of the Addington case to Messrs. Harvie and Day. I do not doubt