

September 25, 1917.

B. R. Jouett, Esq., Attorney at Law,  
Winchester, Kentucky.

Dear Sir:

In the case of Clark Vaughn's Admr. v. L&N RR Co., in Clark Circuit Court, Mr. Warfield has written to ask whether our Bill of Exceptions and the transcript of the testimony were duly filed, approved and signed on the first day of the September Term of the Clark Circuit Court. He also asks that you have the Clerk prepare a transcript of the record in this case right away and, when completed, send it, together with transcript of evidence, direct to Mr. Warfield at Louisville. It is desired by him to have this case briefed and the brief and record filed in the Clerk's office of the Court of Appeals in time for the Winter Term, 1918, of said Court.

Kindly let this matter have your prompt attention,  
and oblige,

Yours truly,

SMW/a

Counsel.

P.S.----- Since dictating the above, I have received yours of the 25th instant (BRJ-1344) in reference to the substitution by Judge Hays of language somewhat different from ours as to what was said by him in his closing argument to the jury. I think Judge Hays has drawn pretty freely upon his imagination and has consciously or unconsciously undertaken to reconstruct that part of his argument. Nevertheless, I do not think the vice in the argument has been eliminated, and while I prefer a more concise statement of the objectionable language, perhaps no harm will result if we allow him to substitute his phraseology for ours. You may let him do this, if you agree with me.

Yours, &c.

S.M.W.