

*Summ.
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PERRY CIRCUIT COURT.

JACKSON CALLAHAN, ADMR. ,

PLAINTIFF.

VS. PETITION.

LEXINGTON & EASTERN RAILWAY
COMPANY AND LOUISVILLE &
NASHVILLE RAILROAD COMPANY,

DEFENDANTS.

The plaintiff, Jackson Callahan, states that on the 1st day of January, 1913, his intestate, Cooley Callahan, then a citizen of Perry county, Kentucky, departed this life in Letcher county, Kentucky, intestate; that on the 13th day of January, 1913, this plaintiff was by proper orders of the Perry County Court appointed administrator of the estate of said Cooley Callahan, deceased, and pursuant to said order and appointment he entered into and executed bond as such administrator and took the oath of office prescribed by law, which bond was approved by the Court; that by reason of said appointment and qualification this plaintiff became, was and now is the duly appointed, qualified and acting administrator of the estate of said Cooley Callahan, deceased. Certified copy of said order of appointment is filed herewith and made part hereof, marked "order" for identification.

He states that the defendant, the Lexington & Eastern Railway Company, is a corporation, created, organized and existing under and by virtue of the laws of the state of Kentucky, with power to sue and be sued, contract and be contracted with in its corporate name, "The Lexington & Eastern Railway Company" and is and was at all times herein mentioned the owner of and engaged in the operation of a line of railroad between Lexington, Kentucky, and McRoberts, Letcher