

C O U R T O F A P P E A L S .

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C. D. Langhorne & Others Appellants.

-----Vs----- Brief for Appellants.

J. M. Wiley, Appellee.

On the 4th of January, 1904, J. M. Wiley instituted a suit in the Johnson Circuit Court in the State of Kentucky, wherein he sought to recover against C. D. Langhorne, C. I. Johnson, J. A. Briggs and J. A. Pitts, partners in the firm name and style of Langhorne, Johnson & Company, the sum of Two Thousand Dollars damages, alleged to have been sustained by him by reason of ~~an attempted~~ alleged negligence of the defendants. The said Langhorne, Johnson, Briggs and Pitts composed the firm of Langhorne, Johnson & Company, and as such were general Contractors for the construction of the Big Sandy branch of the Chesapeake & Ohio Railway, from White House, Johnson County, Kentucky to a point in Pike County, Kentucky, a distance of 80 miles. These gentlemen composing this firm were the general contractors who had the contract from the Railway Company for the entire line, which they ~~executed by~~ sub-letting ~~different portions of said line~~ to different contracting firms, as sub-contractors, the first of whom, Southward from White House was Langhorne & Ricketts, of which last named firm of sub-contractors, C. D. Langhorne was a member, but aside from his being a member of the sub-contracting firm, and being a member of the general contracting firm of Langhorne, Johnson & Company, there is no point of identity between the two, and in addition to this fact we wish to make permanent the further fact that at the time the injury complained of was sustained, in many respects the grading contract was