

Louisville & Nashville Railroad Company,

Office of Chief Engineer of Construction

Louisville, Ky.

IN YOUR REPLY REFER
TO DATE AND FILE NO.

Oct 9-1914.

Mr. W. A. McDowell,
Manager,
Lexington, Ky.

Dear Sir:

Note correspondence attached relative to complaint of Susan Cornett for damage due to wash which our attorneys state can be eliminated if certain rock placed in the river during construction is removed.

I will be obliged if you will have the Supervisor call on the parties and if the amount of rock to be removed is small and can be handled at a reasonable cost that the work be done and charged to the Construction Account.

It is my understanding that under the decision of the Court of Appeals that as long as rock which is illegally placed in a stream remains in the stream and damage occurs to the adjoining property by reason thereof, the party is entitled to recover for such damage, and if, as stated in Mr. Morgan's letter, the amount of rock to be taken out is small, it will probably be better to remove the same than to litigate the claim.