

United States Circuit Court,  
Eastern District of Kentucky,  
Sitting at Catlettsburg, Ky.

Martin Blevins, Administrator of  
Estate of James Jackson, Plaintiff.

Vs: Amended Petition.

J. L. Pitts, etc., Defendants.

Par. 1.

The plaintiff, for amended petition herein, comes and states:

The decedent, James Jackson was employed and assigned by the defendants to work with, under and subject to the orders and directions of their servant, John Burk, in the blasting and removing rock, which was necessary in grading a railroad bed, which work the defendants were engaged in and carrying on at the time of the accident and death of plaintiff's decedent, complained of.

In the blasting and removing said rock, it was necessary to use dynamite, fuse and powder, all of which were used by said Burk and said decedent, and furnished them therefor by the defendants.

The use of said dynamite, fuse and powder is extra-ordinarily dangerous and hazardous, which was known to defendants, and for the protection and safety of said decedent, it was essential that defendants employ a skilled person who knew the composition and nature of said explosives and who knew the effects and results from the use thereof, and how to use the same.

Said John Burk was not so skilled, and did not know the