

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

SANDY RIVER CANNEL COAL COMPANY, Appellant,
vs. ((Motion to dismiss APPEAL with damages.
JOHN W. CAUDILL, Appellee.

The appellee, John W. Caudill, moves the Court to dismiss the appeal herein, with damages, upon the following grounds and for the following reasons:

FIRST:- The appellant did not prosecute his appeal as required by law in this: he did not file transcript of the record within twenty days before the first day of the second term of the Appellate Court; After the rendition of the Judgment; nor within the time given appellant by the Court extending the time in which to file transcript after the judgment of the Johnson Circuit Court.

SECOND:- Because the appellant has abandoned his appeal and the time in which it is and was allowed by law to prosecute the appeal has long since elapsed.

THIRD:- The judgment ~~against~~ the appellant Sandy River Cannel Coal Company- was rendered May 25, 1898, and an appeal granted; The first term of the Court of Appeals began September 19th day, 1898, the second term