

KENTUCKY COURT OF APPEALS.

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LEXINGTON & EASTERN RAILWAY COMPANY,

APPELLANT,

VS. //////////////

EDWARD L. NAPIER'S HEIRS,

APPELLEES.

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QUESTIONS DISCUSSED AND AUTHORITIES CITED.

First.

Mental unsoundness of Edward L. Napier, at the time he executed the contract and deed in question, in this case.

Breckinridge's Heirs v. Ormsby, 1 J. J. Marshall, 236; 13 Cyc. 575 c; 13 Cyc. 575; Thompson v. Thompson, 39 S. W.822; Smith's Committee v. Forsythe et al. 90 S. W.1075; Dowell's Admr., et al v. Dowell, 125 S.W. 283; Willis et al v. Mason et al. 140 Ky., 88, 130 S.W.964; Matthis v. O'Brien, 137 Ky., 651, 126 S.W.156;

Second.

INADEQUACY OF CONSIDERATION PAID FOR THE RIGHT OF WAY, IN QUESTION. Kentucky Constitution section 13; Sutton's Heirs v. Louisville, 5th Dana, 28; Henderson & Nashville R. Co. v. Dickson, 17th B. Mon.173; Elizabethtown & Paducah R. Co., v. Helm, 8th Bush.681; Kentucky Constitution, section 242; Broadway Coal Mining Co. v. Smith, 125 S.W.157; City of Henderson v. McClain, 102 Ky., 402, 43 S.W.700; City of Paducah v. Allen, 111 Ky., 361, 63 S.W.981; Richmond & T.Tp. v. Mason County Fiscal Court, 114 Ky., 351, 70 S.W.1044; Big Sandy R. Co., v. Dils, 120 Ky. 563, 87 S.W.310;

Third.

THE PLES OF ESTOPPEL CANNOT AVAIL IN THIS CASE.