

COURT OF APPEALS OF KENTUCKY

WINTER TERM, 1915, No. 281

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LOUISVILLE & NASHVILLE RAILROAD COMPANY,

APPELLANT,

Versus

SUPPLEMENTAL BRIEF FOR APPELLANT

J. H. PATRICK, by, Etc..

APPELLEE.

Appealed from the Whitley Circuit Court

...-...

In our original printed brief, dated November 5, 1914, we argued at length, in this case, the proposition that in trials in the courts of this State, of causes arising under the Federal Employers' Liability Act, the juries should be instructed that their verdicts must be the unanimous verdicts of the entire jury of twelve men, instead of the juries' being instructed that they might return fractional verdicts, in such cases.

A few weeks after our said brief was printed, this Court, on December 15, 1914, in a response to a petition for rehearing in Chesapeake & Ohio Railway Co. v. Kelly's Admx., 161 Ky. 655, decided this question adversely to our contention. And the Court has adhered to such decision in the subsequent cases of L. & N. R. Co. v. Johnson's Admx., 161 Ky. 824, 836; L. & N. R. Co. v. Stewart's Admx., 163 Ky. 823; L. & N. R. Co. v. Holloway's Admr., 163 Ky. 125, 128, 129. But for two other cases to which we are about to call the