

off duty for some length of time, and when he came back to work he still complained of his back."

Flynn's contribution is a letter dated the 15th of May:—

"When Mr. Davis came in on his engine, April 30th, I noticed him coughing up very red blood, and advised him to go home at once. I have no recollection of him making any complaint about the engine reversing hard."

On the 19th May President Futch writes to Cowles in answer, and says all this information "tends to convince me that there is no indemnity claim for the principal sum on the policy." He goes on to say that he had hoped to go into a still better investigation, personally, and meanwhile asks Cowles to furnish the solicitor with proof of death form, and to tell him that, while they feel satisfied there is no valid claim, they are open to conviction, and will consider any statement or evidence that there is.

Next before me is an isolated letter from the president to Cowles, dated 31st May, which acknowledges letter of May 9th, and also states receipt of a letter from Mrs. Davis in reference to new evidence, at which he is surprised because of statements that Davis had applied to Duffy for papers to fill out for his indemnity insurance. (This letter of plaintiff, and the president's reply, I have not seen).

Next is a letter from the president to the solicitors, dated June 15th, 1911, saying that Mrs. Davis had seen him and complained of no proof papers being sent, and he encloses same, though he had before authorized Cowles to furnish them. Referring to information procured by Mrs. Davis, he asks that all information on both sides may be submitted, that the justice of the claim may be fully and fairly considered.

The solicitor's answer is dated 17th June, and says that the declarations of Mrs. Davis and George Folland are being sent, and that the blank form will be filled up and sent in as soon as possible.

Mrs. Davis' statutory declaration is dated the 15th of June, 1911, and states that "on or about the 28th of April, 1910, my husband came in from his trip on the M. C. R., and he told me that he had been injured at Cornell, and from that date on he complained of said injury, and when he again came in from his trip on the 21st May, 1910, he was covered with blood, and dropping into a chair he said that he was done for, and when I asked him what the trouble