

1053

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are commanded to summons STANDARD FURNITURE MANUFACTURING COMPANY, INC., a corporation, to appear within thirty days from the service of this writ in the Circuit Court to be held for said Court at the place of holding the same, then and there to answer the Complaint of ERNEST S. HALE.

WITNESS my hand this the 14 day of April, 1947.

Alice J. Smith
Clerk, Circuit Court of Baldwin County,
Alabama

ERNEST S. HALE

PLAINTIFF

VS

STANDARD FURNITURE
MANUFACTURING COMPANY,
INC., A CORPORATION.

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

L.

The Plaintiff claims of the Defendant compensation under the Compensation Laws of the State of Alabama, due and owing to the Plaintiff under the following statement of facts, to-wit:

On September 19, 1946, the relation of employer and employee, or of master and servant existed between the Plaintiff and the said Defendant, and they were subject to the Workman's Compensation Act of Alabama, then in force and effect, and while so employed and engaged the Plaintiff suffered injury and damages which were the proximate result of an accident arising of, and in course of his employment by the Defendant, as follows: the first, second, third and fourth fingers on his right hand were cut off;

That a controversy has arisen between the Plaintiff and the Defendant as to the right of the Plaintiff to compensation under said Compensation Act of Alabama, by reason of said injury and damages; that the Plaintiff is a resident of Baldwin County, Alabama, living at Bay Minette, and the Defendant is a corporation with its principal place of business at Bay Minette, in Baldwin County, Alabama.


That at the time of the accident the Plaintiff was engaged by the Defendant in moving material from a planing, commonly called tailing a planing machine, in its factory in Bay Minette, Alabama, at 40¢ per hour; that he was working nine hours per day for five or six days a week; that in the course of his employment the Plaintiff lost his first, second, third and fourth fingers off of his right hand.

That the Defendant had immediate notice of, and actually became aware of the injury and damages to the Plaintiff;

The Plaintiff avers that he is entitled to compensation at the rate of TWELVE DOLLARS AND NINETY SIX CENTS (\$12.96) per week, based upon the average weekly earnings, and the fact that the Plaintiff has a wife dependent upon him, as provided for under the Compensation Laws of Alabama.

2.

The Plaintiff claims of the Defendant the sum of FOURTEEN HUNDRED TWENTY FIVE DOLLARS AND SIXTY CENTS (\$1425.60) and also the sum of TWO HUNDRED (\$200.00) DOLLARS as doctor and medicinal expenses.


Attorney for the Plaintiff

Received in Sheriff's Office
this 14 day of Apr, 1947
TAYLOR WILKINS, Sheriff

Entered By serving a copy
of the Written Within on
April 16-1947 John Heston mgr

Taylor Wilkins Sheriff
Zelle B. Griffin D. S.

106-3

ERNEST HALE

PLAINTIFF

VS

STANDARD FURNITURE MANUFACTURING
COMPANY, INC., A
CORPORATION,

DEFENDANT

BILL OF COMPLAINT

Filed

4-14-47

Alice J. Duck
Clerk

ERNEST S. HAILE,	¶	IN THE CIRCUIT COURT OF
Plaintiff,	¶	BALDWIN COUNTY, ALABAMA,
VS.	¶	COMPENSATION CASE
STANDARD FURNITURE MANU-FACTURING COMPANY, INC., a corporation,	¶	NO. 1053
Defendant.	¶	

STATEMENT OF FACTS AS FOUND BY THE COURT

This cause coming on to be heard, and being tried by the Court without the intervention of a jury, the Court sets its findings of the facts to be as follows:

That both plaintiff and defendant are residents of Bay Minette, County of Baldwin, State of Alabama; that on September 19, 1946, the plaintiff was employed by the defendant in its factory in Bay Minette, Alabama, his duties being to move material from a planing machine, commonly called tailing a planing machine; that on said date, while in the performance of his said duties, plaintiff was injured as the proximate result of an accident arising out of and in the course of his employment by the defendant, by which the first, second, third and fourth fingers on his right hand were cut off; that the plaintiff had immediate notice of and actually became aware of the injuries and damages to the plaintiff. The Court further finds the facts to be that at said time the plaintiff was earning an average weekly wage of \$10.76 per week; that both plaintiff and defendant were subject and governed by the Workman's Compensation Act of the State of Alabama; that plaintiff is married and has his wife dependent upon him for support; that plaintiff has undergone medical and doctor's expenses as the result of said injury to the extent of \$100.00 and that the plaintiff has suffered the total and permanent loss of the four fingers of his right hand.

NOW THEREFORE, THE COURT ADJUDGES AND DECREES as follows:

JUDGMENT

It is therefore ordered, adjudged and decreed by the Court that the plaintiff in this case shall have and recover of the defendant

the following sum of money, payable as follows, that is to say, that the defendant shall pay to the plaintiff the sum of \$6.46 per week for each of 49 weeks, making a total sum to be paid forthwith of \$316.54, for which let execution issue, and shall pay to the plaintiff the further sum of \$6.46 per week during each of the next 61 weeks, making a total for 110 weeks of \$710.60 to which the plaintiff is entitled as compensation at the rate of \$6.46 per week, which sum is 60 per cent of \$10.76 which has been found by the Court to be his average weekly wage, and the defendant shall pay to the plaintiff in addition the further sum of \$100.00 for medical and doctor's expenses, forthwith, for which let execution issue.

It is further ordered, adjudged and decreed by the Court that the defendant shall pay the costs of Court in this cause, for which let execution issue; and,

It is further ordered, adjudged and decreed by the Court, that Hubert M. Hall, as attorney for the plaintiff in this cause, as his attorney's fee for service while so employed, be paid a fee for his service in said cause of 15 per cent of the first \$300.00 of the amount of compensation awarded under this judgment and of 10 per cent of the amount of said compensation in excess of \$300.00, being a total fee of \$96.00, to be paid in a lump sum, it being decreed that the payment of said fee shall be out of the sum awarded to the plaintiff and not in addition to the sum hereinabove adjudged due to the plaintiff.

Done this 12 day of September 1947.

J. W. Hare

JUDGE

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ALICE J. DUCK, Clerk

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ERNEST S. HALE,
Plaintiff,

VS.

STANDARD FURNITURE
MANUFACTURING COMPANY, INC.,
a corporation.

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
COMPENSATION CASE
NO. 1053

Comes Standard Furniture Manufacturing Company, Inc.,
a corporation, defendant in the above styled cause and for answer
to the complaint heretofore filed therein, says:

Defendant denies that it and plaintiff were subject to
the Workman's Compensation Act of Alabama, but admits that
plaintiff was injured at defendant's plant on or about the date
alleged.

Defendant admits that there is a controversy between
it and plaintiff as to plaintiff's rights to compensation; denies
that plaintiff is a resident of Baldwin County, Alabama, but
admits that defendant is a corporation with principal place of
business in Baldwin County, Alabama.

Defendant admits that plaintiff was injured by a
planing machine at its plant but denies that he was working
regular hours and denies that he was an employee of defendant.

Defendant admits that it had knowledge of plaintiff's
injury.

Defendant alleges that plaintiff is receiving compen-
sation from the Government for his injury.

Defendant denies that plaintiff is entitled to recover
any sum of money from it, either for compensation or for doctors
and medical expenses.

W. B. ... & ...
Attorneys for Plaintiff

1053

NO. 1053
APR 23 1947

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FILED
APR 23 1947
ALICE J. DUCK, Clerk

RECEIVED
APR 23 1947