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NANNIE E. LONG,
Plaintiff,
vs
H. ENGLAND doing business
as H. ENGLAND LUMBER COMPANY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. _____

Comes the defendant in the above styled cause and for
answer to plaintiff's complaint says as follows:

ONE

Defendant admits every allegation of plaintiff's complaint,
and shows unto the Court that he has agreed to commute the last
fifty-five weeks compensation to become due plaintiff, subject to
court approval thereof.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

BY R. F. Adams
Attorneys for Defendant

State of Alabama
Mobile County

Before me, a Notary Public in and for said county in said
state personally appeared R. F. Adams, who is known to me, and being
by me first duly sworn deposes and says that he is one of the
attorneys for Royal Indemnity Company, the compensation carrier
of the above named defendant in this cause, and that he is informed
and believes and on such information and belief avers that the
statements of fact contained in the foregoing answer are true and
correct.

R. F. Adams

Sworn to and subscribed before
me on this the 4th day of January, 1950.

Cordis R. Bostic
Notary Public, Mobile County, Alabama

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ON 10/1/50

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Defendant.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. _____

ONE

Plaintiff alleges that she is the widow of Thomas Monroe Long, is over the age of twenty-one years and is a resident of Robertsdale, Baldwin County, Alabama; that the said Thomas Monroe Long was killed on, to-wit, August 10, 1949 while employed by the defendant, H. England, at his saw mill operated under the name and style of H. England Lumber Company in Robertsdale, Alabama; that his injury and death were caused by an accident arising out of and in the course of his said employment, and at the time of the occurrence of said accident he and the defendant were subject to Part Two of the Alabama Compensation Law.

TWO

Plaintiff further avers that at the time of his said injury and death her said husband's earnings had averaged \$41.00 per week for the year prior to the time of his death; that the said employer had due notice of his accident and injury, and has paid her compensation for nineteen weeks death benefits, at the rate of \$14.35 per week, as the said Thomas Monroe Long left surviving him no minor children.

THREE

All funeral and burial expenses of the said Thomas Monroe Long were paid by Brown-Service Insurance Company as he had a burial insurance policy with them. As he died on his way to the hospital, there was no medical expense, and the employer has paid the ambulance bill in the amount of \$25.00.

The undersigned has requested that the last 55 weeks of compensation to become due her under the terms of the Workmen's Compensation Act be commuted to a lump sum settlement, which Royal Indemnity Company, as insurer of H. England Lumber Company, has agreed to do, subject to court approval.

Wherefore, plaintiff brings suit for the recovery of \$647.67 representing the compensation payments which will become due her for the 246th through the 300th week following the death of her said husband, commuted on a 4% basis.

Nannie E. Long
Plaintiff

State of Alabama
Baldwin County

Before me, a Notary Public in and for said county in said state, personally appeared Nannie E. Long, who is known to me, and being by me first duly sworn deposes and says the allegations of the foregoing complaint are true.

Nannie E. Long

Sworn to and subscribed before me
on this the 6th day of January, 1950.

Oran L. Nelson
Notary Public, Baldwin County, Alabama

NANNIE E. LONG,

Plaintiff,

vs

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as H. ENGLAND LUMBER COMPANY,

Defendant.

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AT LAW No. _____

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State of Alabama
Baldwin County

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Nannie E. Long

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on this the 6th day of January, 1950.

Ora S. Nelson
Notary Public, Baldwin County, Alabama

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW No. _____

FINDING OF FACT

From the evidence in this case the Court finds the facts to be as follows:

On or about August 10, 1949 Thomas Monroe Long, the husband of Nannie E. Long, the plaintiff in this cause, suffered an injury from which he died while in the employ of the defendant, H. England, doing business as H. England Lumber Company; said injury was caused by an accident arising out of and in the course of his employment, and at the time of the occurrence of said accident he and said defendant were subject to Part Two of the Alabama Workmen's Compensation Law, and at said time, his average weekly wage for the 52 weeks immediately prior thereto amounted to \$41.00; that the defendant had due notice of his injury and death, and has paid plaintiff compensation at the rate of \$14.35 per week for 19 weeks; that defendant has also paid his only other liability growing out of said injury and death under the Workmen's Compensation Law of Alabama, consisting of an ambulance bill of \$25.00, the Court finding that plaintiff's said husband died while being carried to the hospital in an ambulance from the defendant's mill, where he was injured, so that no medical expense was incurred and that all funeral and burial expenses were paid by Brown Service Insurance Company under a policy of insurance carried by said deceased; that plaintiff is the dependent widow of the said Thomas Monroe Long, and as such would be entitled to be paid compensation by the defendant at the rate of \$14.35 a week, during dependency, not to exceed 300 weeks; that the plaintiff has requested a commutation of the last 55 weeks compensation to become due her, to which defendant has agreed.

The Court further finds that commuting 55 weeks compensation at \$14.35 per week on a 4% basis would amount to a lump sum settlement of \$772.86, and that inasmuch as it is contemplated regular weekly payments of compensation will continue to be paid plaintiff by defendant for the next 226 weeks, by commuting the last 55 weeks compensation to become due plaintiff, defendant would be entitled to a discount of \$125.19.

JUDGMENT

The premises considered, it is ordered, adjudged and decreed by the Court that plaintiff is entitled to be paid compensation by the defendant at the rate of \$14.35 per week during dependency, not to exceed 300 weeks, of which compensation for the first 19 weeks has been paid; that commutation of the compensation for the 55 weeks which would become due beginning with the 246th week following the death of Thomas Monroe Long, which has been agreed upon between the parties hereto is hereby approved by the Court, and ordered paid to plaintiff by defendant in the amount of \$647.67.

It is further ordered, adjudged and decreed by the Court plaintiff shall have and recover from the defendant the sum of \$647.67 as the commuted value of the last 55 weeks compensation to become due plaintiff under this award, together with the cost of this cause, for which let execution issue.

Dated this 6th day of January, 1950.

Jeffrey J. Mashburn, Jr.
Judge

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Defendant's net of \$100.00, 1950.
This case, for which the execution is made.
become due defendant under the award, together with the cost of
\$100.00 as the commuted value of the first 22 weeks compensation to
plaintiff shall be recovered from the defendant the sum of

It is further ordered, adjudge and decreed by the court
ordered being to defendant by defendant in the amount of \$100.00.

upon between the parties hereto is hereby approved by the court, and
week following the death of Thomas Monroe Long, which has been agreed
for the 22 weeks which would become due defendant with the State
first 12 weeks has been paid; that continuation of the compensation
dependency, not to exceed 200 weeks, of which compensation is
also by the defendant at the rate of \$14.00 per week during
decreed by the court that plaintiff is entitled to be paid compensation
the premises considered, it is ordered, adjudge and

ADJUDGMENT

to a discount of \$100.00.
compensation to become due defendant, defendant would be entitled
of defendant for the next 22 weeks, by commencing the first 22 weeks
weekly payments of compensation will continue to be paid plaintiff
month of \$14.00, and that plaintiff as it is contemplated regular
at \$14.00 per week on a 42 weeks would amount to a sum and settle-
the court further judge upon commencing 22 weeks compensation

FILED
JAN 6 1950
ALICE J. DUCK, Register

NANNIE E. LONG,

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vs

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MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

BY

R. F. Adams
Attorneys for Defendant

State of Alabama
Mobile County

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R. F. Adams
Sworn to and subscribed before
me on this the 4th day of January, 1950.

Cordie R. Bostic
Notary Public, Mobile County, Alabama

MO 1452

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Answer

FILED

JAN 6 1950

ALICE J. DUCK, Register

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS
ATTORNEYS AT LAW
NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA