

CHARLES BURKEL,

Plaintiff,

vs.

THE BAY MANUFACTURING COMPANY,
INC., a Corporation,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO.

2963

Now comes the Defendant in the above styled cause and for answer to the complaint as last amended heretofore filed by the Plaintiff in said cause says as follows:

With the exception of the allegations that a controversy has arisen as to the benefits to be paid to the Plaintiff under the Workmen's Compensation Laws of Alabama and that the relationship of employer and employee existed between the Plaintiff and the Defendant on November 8, 1955, the Defendant denies each and every allegation on Page One of the amended complaint and demands strict proof thereof.

As for the allegations on Page Two of the amended complaint the Defendant admits that, prior to the date alleged in the complaint, the Plaintiff was employed by it on a salary of \$40.00 per week.

The Defendant can neither admit nor deny the allegations of the Plaintiff concerning his disability, as it has no knowledge of such facts, but the Defendant demands strict proof thereof.

WHEREFORE, the Defendant prays that the Plaintiff's claim for benefits under the Workmen's Compensation Law of the State of Alabama be denied and that the costs of this proceeding be taxed against the Plaintiff.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

and

CHASON & STONE

By:

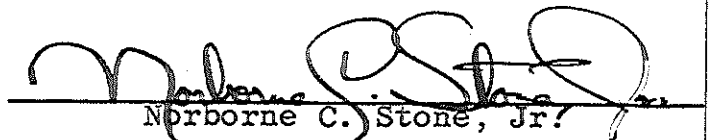
Attorneys for Defendant

STATE OF ALABAMA

COUNTY OF BALDWIN

Personally appeared before me, Blanche White, a Notary Public, in and for said State and County, Norborne C. Stone, Jr.,

one of the attorneys for the Defendant in the above styled cause, who is known to me, and who being by me first duly sworn, deposes and says that he is informed and believes, and on such information and belief, says, that the statements of fact contained in the above and foregoing answer are all and singularly true.


Norborne C. Stone, Jr.

Subscribed and sworn to before me

this the 26th day of July,
1957.


Notary Public, Baldwin County, Alabama

296 RECORDED

CHARLES BURKEL,

Plaintiff,

vs.

THE BAY MANUFACTURING COM-
PANY, INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO.

ANSWER

FILED

JUL 26 1957

ALICE J. BUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

AMENDED COMPLAINT

CHARLES BURKEL

PLAINTIFF

VS

THE BAY MANUFACTURING COMPANY,
INC., A CORPORATION,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

Comes now the Plaintiff in the above styled cause and amends his complaint to read as follows:

1.

The Plaintiff claims of the Defendant benefits under the Workmen's Compensation laws of the State of Alabama due and owing to him by the Defendant under the following state of facts:

That on, to-wit, November 8, 1955, the relationship of employer and employee or master-servant existed between the Plaintiff and Defendant.

That at this time the Defendant, The Bay Manufacturing Company, Inc., a corporation, were qualified to do and were doing business in Bay Minette, Baldwin County, Alabama. That at this time the Plaintiff was working for the Defendant and that while working and acting within the line and scope of his employment the Plaintiff suffered an accident which arose out of and in the course of this employment. That at this time the Plaintiff and Defendant were subject to the Workmen's Compensation laws of the State of Alabama. As a proximate result of said accident Plaintiff has been totally disabled. A controversy has arisen as to the benefits to be paid to the Plaintiff under the Workmen's Compensation laws of Alabama. That The Bay Manufacturing Company, Inc., a corporation, had actual notice of the Plaintiff's injury within the time prescribed by law.

The Plaintiff further avers that at the time of said accident, on, to-wit, November 8, 1955, the Plaintiff was cleaning a building owned by the Defendant, said building being located in the City of Bay Minette, Alabama, and lies just South of the L. & M. Depot; that the Plaintiff was working within the line and scope of his employment and while so engaged tripped

and fell over wires or wiring, and as a direct and proximate consequence and result thereof the Plaintiff was severely injured, his right shoulder was dislocated and the bone was chipped, fractured and broken; and his right arm was chipped, fractured and broken. The Plaintiff avers that he was working for the Defendant at the time of this accident. Plaintiff alleges that at the time of the injuries he was receiving a salary in the sum of Forty (\$40.00) Dollars a week. Plaintiff further alleges that he is totally disabled and that he has been continually, totally and entirely disabled from working since the date of the said injuries to the present date.

Plaintiff avers that he is permanently disabled.

WHEREFORE, Plaintiff claims of the Defendant, such benefits as he may be entitled to receive under the Workmen's Compensation laws of Alabama.

Charles Burkell

STATE OF ALABAMA

BALDWIN COUNTY

Before me Tolbert M. Brantley, a notary public, in and for said State and County, personally appeared Charles Burkell, who is known to me, and who being first duly sworn, deposes on oath and says: that he has read the foregoing petition and the statement made therein are true and correct, and that he knows of his own personal knowledge that they are correct.

Charles Burkell

Sworn to and subscribed before me this 28th day of May, 1957.

Tolbert M. Brantley
Notary Public, Baldwin County, Alabama.

AMENDED COMPLAINT

CHARLES BURKEL

PLAINTIFF

VS

THE BAY MANUFACTURING COMPANY,
INC., A CORPORATION,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

Comes now the Plaintiff in the above styled cause and amends his complaint to read as follows:

1.

The Plaintiff claims of the Defendant benefits under the Workmen's Compensation laws of the State of Alabama due and owing to him by the Defendant under the following state of facts:

That on, to-wit, February 10, 1956, the relationship of employer and employee or master-servant existed between the Plaintiff and Defendant. That at this time the Defendant, The Bay Manufacturing Company, Inc., a corporation, were qualified to do and were doing business in Bay Minette, Baldwin County, Alabama. That at this time the Plaintiff was working for the Defendant and that while working and acting within the line and scope of his employment the Plaintiff suffered an accident which arose out of and in the course of this employment. That at this time the Plaintiff and Defendant were subject to the Workmen's Compensation laws of the State of Alabama. As a proximate result of said accident Plaintiff has been totally disabled. A controversy has arisen as to the benefits to be paid to the Plaintiff under the Workmen's Compensation laws of Alabama. That The Bay Manufacturing Company, Inc., a corporation, had actual notice of the Plaintiff's injury within the time prescribed by law.

The Plaintiff further avers that at the time of said accident, on, to-wit, February 10, 1956, the Plaintiff was cleaning a building owned by the Defendant, said building being located in the City of Bay Minette, Alabama, and lies just South of the L. & M. Depot; that the Plaintiff was working within the line and scope of his employment and while so engaged tripped

and fell over debris, and as a direct and proximate consequence and result thereof the Plaintiff was severely injured, his right shoulder was dislocated and the bone was chipped, fractured and broken. The Plaintiff avers that he was working for the Defendant at the time of this accident. Plaintiff alleges that at the time of the injuries he was receiving a salary in the sum of Forty(\$40.00) Dollars a week. Plaintiff further alleges that he is totally disabled and that he has been continually, totally and entirely disabled from working since the date of the said injuries to the present date.

Plaintiff avers that he is permanently disabled.

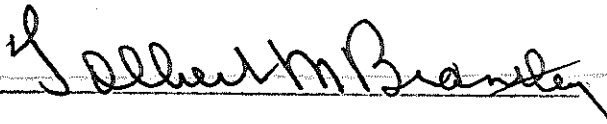
WHEREFORE, Plaintiff claims of the Defendant, such benefits as he may be entitled to receive under the Workmen's Compensation laws of Alabama.



STATE OF ALABAMA

BALDWIN COUNTY

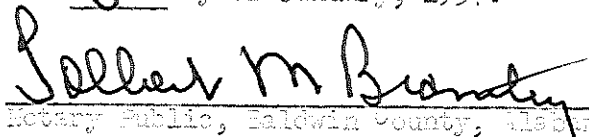
BEFORE ME



a Notary Public, in and for said State and County, personally appeared Charles Burkel, who is known to me, and who being first duly sworn, deposes on oath and says: that he has read the foregoing petition and the statements made therein are true and correct, and that he knows of his own personal knowledge that they are correct.



Sworn to and subscribed before me this 5 day of January, 1957.


Notary Public, Baldwin County, Alabama

MOTION

CHARLES BURKE

PLAINTIFF

VS

THE BAY MANUFACTURING
COMPANY, INC., A CORPORATION

DEFENDANT

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes now the Plaintiff in the above styled cause and moves the court to strike the Defendant's demand for jury trial and cause this case to be set on the Non-jury docket and for grounds therefor says as follows:

1.

That under the pleading filed by the Defendant, the Defendant is not entitled to a jury trial.

Wilters & Brantley

BY:

Albert M Brantley
Attorneys for the Plaintiff

CHARLES BURKEL,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
THE BAY MANUFACTURING CO.,	I	AT LAW
INC., A CORPORATION,	I	
Defendant.	I	

DEMURRER

Comes now the Defendant in the aboved styled cause, by its attorneys, and demurs to the complaint heretofore filed against it and to each paragraph or section thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. For aught that appears from the complaint there is no dispute between the Plaintiff and the Defendant with respect to the right of compensation, or the amount thereof.
3. For aught that appears from the complaint there is no dispute between the Plaintiff and the Defendant with respect to the right to compensation under the Workmen's Compensation Law of the State of Alabama.
4. For aught that appears from the Complaint there is no dispute between the Plaintiff and the Defendant with respect to the amount due as workmen's compensation under the provisions of the Workmen's Compensation Law of the State of Alabama.
5. For aught that appears from the complaint the Defendant was not doing business in Baldwin County, Alabama, at the time of the commencement of this suit.
6. The complaint fails to allege with sufficient certainty where the alleged accident occurred.
7. Sufficient facts are not alleged to support the conclusion of the complaint that the Defendant was subject to the Workmen's Compensation Laws of the State of Alabama, on February 10, 1956.
8. Sufficient facts are not alleged to support the conclusion that the Defendant was subject to the Workmen's Compensation

Laws of the State of Alabama, on June 29, 1956.

9. The complaint fails to allege when the Defendant had notice of the alleged accident.

10. The allegations of the complaint are vague, indefinite and uncertain.

11. For aught that appears from the complaint the alleged injury was not occasioned by any accident proximately resulting from and while engaged in the actual performance of the duties of the employment of the Plaintiff.

12. For aught that appears from the complaint the alleged injury was not occasioned by any cause originating in the alleged employment or determination thereof by the Plaintiff.

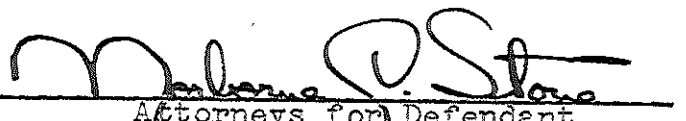
Respectfully submitted,

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

and

CHASON & STONE


By:


Attorneys for Defendant

The Defendant respectfully demands a trial by jury of this cause.

CHASON & STONE

By:


Attorneys for Defendant

no. 2963 RECORDED

CHARLES BURKEL,

Plaintiff,

vs.

THE BAY MANUFACTURING CO.,
INC., A CORPORATION,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEMURRER

LAW OFFICES

CHASON & STONE
BAY MINETTE, ALABAMA

FILED
AUG 1 1950
MAICE L. DUCK, Clerk

STATE OF ALABAMA
Circuit Court
Southern District

IN AND FOR THE COUNTY OF CALHOUN

You are hereby compelled to answer the bill of particulars, to wit: a corporation, to answer within thirty days from the service of this writ in the Circuit Court of Calhoun County at law to be held for the said County, at the place of holding the same, then and there to answer the bill of particulars of Charles E. Smith.

Witness my hand this 29th day of May, 1956.

Alice J. Dwyer
Clerk

Plaintiff

Defendant

75

Plaintiff's name and address
and the name and address of
his attorney, if any.

Plaintiff's name and address

Plaintiff's name and address

Plaintiff's name and address

Plaintiff's name and address

1.

The Plaintiff claims of the defendant benefits under the Workmen's Compensation laws of Alabama due and owing under the following statement of facts: In February 10, 1956, the relation of employer and employee, or master and servant, existed between defendant, The Day Manufacturing Company, Inc., a Florida corporation duly qualified to do business in Alabama and Plaintiff, and Defendant and Plaintiff were subject to the Workmen's Compensation laws of Alabama and while so employed and engaged in the business of the defendant, and while acting in line and scope of his employment and with said Company, Plaintiff suffered an accident which arose out of and in the course of said employment. As the proximate result of said accident, Plaintiff has been totally disabled. A controversy has arisen as to the benefits to be paid under the Workmen's Compensation laws of Alabama. The defendants now is the Day Manufacturing Company, Inc..

At the time of said accident, on to-wit February 10, 1956, Plaintiff was cleaning a building owned by the defendant, in the line and scope of his employment and while so engaged tripped and fell over debris, and as the proximate result Plaintiff was severely injured, his right shoulder was dislocated,

the bone was chipped, fractured and broken.

Plaintiff avers that the Defendant had ~~present~~ notice of said accident.

Plaintiff alleges that at the time of the injuries he was receiving a salary in the sum of \$12 a week. Plaintiff further alleges that he is totally disabled and that he has been continually totally and entirely disabled from working since the date of said injuries to the present date.

Plaintiff avers that he is permanently disabled.

~~Plaintiff claims of the defendant, such benefits as he is~~
entitled to receive under the Workmen's Compensation Laws of Alabama. He prays that notice may be given the defendant and that hearing may be had, all in accordance with the laws and rules of this Honorable Court.

Charles P. Burk

STATE OF ALABAMA,

BALDWIN COUNTY,

Before me, I Oliver M Brantley Notary Public in and for said State

and County, personally appeared Charles Burk, who is known to me, and who being first duly sworn, deposes on oath and says: That he has read or had

~~read to him the foregoing petition and the statements and wherein are true~~

and correct and that he knows of his own knowledge that they are correct.

Sworn to and subscribed before me this the 28 day of June 1936.

I Oliver M Brantley
Notary Public, Baldwin County, Alabama

CHARLES BURKEL,

Plaintiff,

Vs.

BAY MANUFACTURING COMPANY,
INC., A Corporation,

Defendant..

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION

TO: HON. TOLBERT M. BRANTLEY, ATTORNEY AT LAW, BAY MINETTE,
ALABAMA, ATTORNEY FOR CHARLES BURKEL, PLAINTIFF.

Please take notice that the deposition of NELSON E. GALLAHAN, in the above styled cause, will be taken upon oral examination on Thursday, June 27, 1957, at 2:00 o'clock P.M. before Christine S. Berry, a Notary Public in and for the City of Fredericksburg, Virginia, who is hereby designated as the officer before whom such deposition shall be taken, in the office of Ralph M. Whitticar, Jr., in the Bradford Building, at 915 Princess Anne Street, Fredericksburg, Virginia.

Dated this 15th day of June, 1957.

CHASON & STONE

By:


Attorneys for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

I, Norborne C. Stone, attorney of record for Bay Manufacturing Company, Defendant in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing Notice of Taking Deposition Upon Oral Examination to Hon. Tolbert M. Brantley, attorney of record for the Plaintiff, postage prepaid and properly addressed to him at his office in Bay Minette, Alabama.

Done this the 15th day of June, 1957.


Norborne C. Stone, Jr.

CHARLES BURKEL,

Plaintiff,

vs.

THE BAY MANUFACTURING CO.,
INC., A Corporation,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

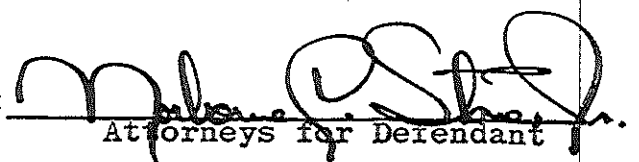
NOTICE OF FILING OF DEPOSITION

TO: HON. TOLBERT M. BRANTLEY, ATTORNEY OF RECORD FOR THE PLAINTIFF,
BAY MINETTE, ALABAMA:

You will please take notice that the deposition of Nelson E. Gallahan, taken on Thursday, June 27, 1957, at 2:00 P. M. in the office of Ralph M. Whitticar, Jr., in the Bradford Building at 915 Princess Anne Street, Fredericksburg, Virginia, before Christine S. Berry, a Notary Public, in and for the City of Fredericksburg, Virginia, was filed with the Clerk of the Circuit Court of Baldwin County, Alabama, on July 2, 1957.

Done this the 17th day of July, 1957.

CHASON & STONE

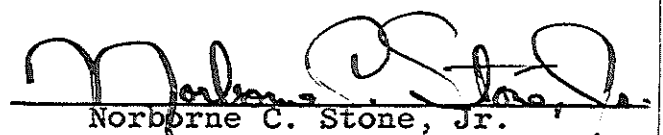
By: 
Attorneys for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

I, Norborne C. Stone, Jr., one of the solicitors of record for the Defendant in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing notice to Hon. Tolbert M. Brantley, postage prepaid and properly addressed, to him at Bay Minette, Alabama.

Done this the 17th day of July, 1957.


Norborne C. Stone, Jr.

CHARLES BURKEL,

Plaintiff,

vs.

BAY MANUFACTURING CO., INC.,
A Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NOTICE OF FILING OF DEPO-
SITION

FILED

JUL 18 1957

ALICE J. DUCK, Register

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

CHARLES BURKEL,

Plaintiff,

vs.

THE BAY MANUFACTURING CO.,
INC., A Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NOTICE OF FILING OF DEPOSITION

TO: HON. TOLBERT M. BRANTLEY, ATTORNEY OF RECORD FOR THE PLAINTIFF,
BAY MINETTE, ALABAMA:

You will please take notice that the deposition of Charles Burkel, taken on January 21, 1957, upon oral examination before Louise Dusenbury was filed with the Clerk of the Circuit Court of Baldwin County, Alabama, on February 26, 1957.

Done this 20th day of March, 1957.

CHASON & STONE

By:


(Attorneys) for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

I, Norborne C. Stone, Jr., one of the solicitors of record for the Defendant in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing notice to Hon. Tolbert M. Brantley, postage prepaid and properly addressed, to him at Bay Minette, Alabama.

Done this 21st day of March, 1957.


Norborne C. Stone, Jr.

2963

CHARLES BURKEL,
Plaintiff,

vs.

THE BAY MANUFACTURING CO.,
INC., A Corporation,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NOTICE OF FILING OF DEPOSITION

FILED

MAR 22 1957

ALICE L. BUCK, Clerk

LAW OFFICES

CHASON & STONE
BAY MINETTE, ALABAMA

CHARLES BURKEL,

Plaintiff,

Vs.

BAY MANUFACTURING COMPANY,
INC., A Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION

TO: HON. TOLBERT M. BRANTLEY, ATTORNEY AT LAW, BAY MINETTE,
ALABAMA, ATTORNEY FOR CHARLES BURKEL, PLAINTIFF.

Please take notice that the deposition of NELSON E. GALLAHAN, in the above styled cause, will be taken upon oral examination on Thursday, June 27, 1957, at 2:00 o'clock P.M. before Christine S. Berry, a Notary Public in and for the City of Fredericksburg, Virginia, who is hereby designated as the officer before whom such deposition shall be taken, in the office of Ralph M. Whitticar, Jr., in the Bradford Building, at 915 Princess Anne Street, Fredericksburg, Virginia.

Dated this 15th day of June, 1957.

CHASON & STONE

By:


Attorneys for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

I, Norborne C. Stone, attorney of record for Bay Manufacturing Company, Defendant in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing Notice of Taking Deposition Upon Oral Examination to Hon. Tolbert M. Brantley, attorney of record for the Plaintiff, postage prepaid and properly addressed to him at his office in Bay Minette, Alabama.

Done this the 15th day of June, 1957.


Norborne C. Stone, Jr.

1963

CHARLES BURKEL,

Plaintiff,

Vs.

BAY MANUFACTURING COMPANY, INC.,
A Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

NOTICE OF TAKING DEPOSITION
UPON ORAL EXAMINATION.

FILED
JUN 15 1957
ALICE J. DUCK LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

Defendant.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA. NO. 2963

AMENDMENT OF DECREE NUNC PRO TUNC

It having been made to appear to the Court that in its final decree rendered in this cause on September 19, 1957, that the said decree erroneously recited that the Complaint as last amended was filed on January 8, 1957, when in truth and fact the last amendment to the Complaint was filed in this cause on July 23, 1957, and that in said Complaint as last amended the Plaintiff alleges that on, to-wit: November 8, 1955, the relation of employer and employee existed between the Plaintiff and the Defendant; and the Court having considered the same is of the opinion that said final decree rendered on September 19, 1957, should be amended nunc pro tunc so as to accurately and correctly reflect the filing date of the Complaint as last amended, and of the allegations hereinabove referred to; It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Circuit Court of Baldwin County, Alabama, that the final decree rendered in the above styled cause on September 19, 1957 be, and the same is hereby, amended so that the first two lines of the second paragraph thereof will read: "The Plaintiff in his last amended complaint filed July 23, 1957, alleges that on, to-wit: November 8, 1955, " instead of: "The Plaintiff in his last amended Complaint filed January 8, 1957, alleges that on, to-wit: February 10, 1956,--"

Done this 19th day of October, 1957.

Subscribed on 7/2/22
Judge

CHARLES BURKEL,

Plaintiff,

VS.

BAY MANUFACTURING CO. INC.,
A Corporation,

Defendant.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. No. 2963

FINAL DECREE

This is a suit under the Workman's Compensation Law, Code 1940, Title 26, Section 253, et seq and amendments appearing in the pocket parts, wherein Charles Burkell is Plaintiff and Bay Manufacturing Company Inc., a Corporation, is defendant, to recover compensation for an alleged personal injury which he avers was caused by an accident arising out of and in the course of his employment.

The Plaintiff in his last amended complaint filed January 8, 1957, alleges that on, to-wit: February 10, 1956, the relation of employer and employee existed between the Plaintiff and the Defendant; that at the time of the alleged accident the Defendant was qualified to do, and was doing business in Bay Minette, Baldwin County, Alabama; that the Plaintiff was working for the Defendant and while acting within the line and scope of his employment he suffered an accident which arose out of and in the course of his employment; that at the time of the alleged accident the Plaintiff and the defendant were subject to the workman's compensation law of the State of Alabama; that as a proximate result of said alleged accident the Plaintiff is totally disabled; that a controversy has arisen as to the benefits to be paid to the Plaintiff under the Workman's Compensation Laws of Alabama; that the defendant had actual notice of the Plaintiff's injuries within the time prescribed by law; that as a result

of said alleged accident the Plaintiff was severely injured; his right shoulder was dis-located and the bone was chipped, fractured and broken; that the Plaintiff is totally disabled and has been continuously totally and entirely disabled from working since the date of said accident; that he is permanently injured.

The Defendant in its answer admitted that a controversy has arisen as to the benefits to be paid to the Plaintiff under the Workman's Compensation Laws of Alabama, and that the relationship of employer and employee existed between the Plaintiff and the defendant at the time of the alleged accident.

The Court, after considering the Pleadings and evidence finds as follows:

1. That the relationship of employer and employee existed between the Plaintiff and the defendant at the time of the alleged injury;
2. That the Defendant, a Corporation, was qualified to do and was doing business in Bay Minette, Baldwin County, Alabama, at the time of the accident;
3. That the Plaintiff and the defendant were subject to the Workman's Compensation Laws of Alabama;
4. That a controversy has arisen as to the benefits to be paid to the Plaintiff under the Workman's Compensation Laws of the State of Alabama;
5. That the Plaintiff was working for the Defendant at the time of the alleged injury, but the evidence does not establish the fact that while the Plaintiff was acting within the line and scope of his employment he suffered an accident which arose out of and in the course of his employment;
6. That the evidence does not establish the fact that the defendant had actual notice of the Plaintiff's injury within the time prescribed by law;
7. That the Plaintiff has failed to sufficiently establish the fact that notice of his injury was given, as

required by law, to any employee of the Defendant, the evidence of Mrs. Miller, the Secretary and Mr. Gallahan, the manager refutes any evidence on behalf of the Plaintiff that notice was given to the Company.

8. The testimony of Doctor Bryant is not sufficient to establish the fact that the Plaintiff was injured as alleged by the Plaintiff, nor the fact that he suffered injuries as a result of an accident while he was acting within the line and scope of his employment with the defendant.

The Court is, therefore, to the conclusion that the Plaintiff is not entitled to compensation as claimed in his complaint, and judgment is hereby rendered by the Court in favor of the defendant and against the Plaintiff.

This 19th day of September, 1957.

J. Lubert m. Hare
Judge, 28th Judicial Circuit of
Alabama.

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FILED
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MADE: 1. MACK, Register

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