

3791

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ray E. Loper Lumber Company, Inc., a corporation, to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of Harvey Hamilton, a minor, individually and Harvey Hamilton, a minor, suing by his father and next friend Elbert Hamilton.

Witness my hand this \_\_\_\_\_ day of March, 1959.

Clerk.

HARVEY HAMILTON, a minor,  
individually, and HARVEY  
HAMILTON, a minor, suing  
by his father and next  
friend ELBERT HAMILTON,

Plaintiff,

vs.

RAY E. LOPER LUMBER COM-  
PANY, INC., a corporation.

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

WORKMEN'S COMPENSATION COMPLAINT

ONE

The Plaintiff, Harvey Hamilton, is a minor, residing in Bay Minette, Baldwin County, Alabama with his father, Elbert Hamilton. The Defendant, Ray E. Loper Lumber Company, Inc., a corporation, is a corporation organized and existing under the laws of the State of Alabama with its principal place of business in Bay Minette, Alabama.

TWO

On May 15, 1958 the Plaintiff Harvey Hamilton, was employ-

ed by Ray E. Loper Lumber Company, Inc., a corporation, and he continued in such employment until May 23, 1958, on which latter date he suffered injuries as a result of which his left hand was amputated at a point between the elbow and wrist and as a result of said amputation the Plaintiff lost the use of his left arm. That such injuries proximately resulted from an accident arising out of and in the course of the employment of the Plaintiff as a servant or employee of the Defendant as follows: That said injury to his left arm resulted when it became entangled in a chain in the mill of the Defendant used to convey slabs of lumber or debris while the Plaintiff was engaged in cleaning out from underneath the said chain.

THREE

That prior to his said injuries the average weekly earnings of the Plaintiff were Forty Dollars (\$40.00) and the Defendant has knowledge of the injury sustained by the Plaintiff and had notice of said accident.

WHEREFORE, the Plaintiff asks Workmen's Compensation of and from the Defendant under the Workmen's Compensation Law of the State of Alabama.

Harvey Hamilton  
Harvey Hamilton, a minor, individually

HARVEY HAMILTON, a minor

By: Elbert Hamilton  
As his father and next friend.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Harvey Hamilton and Elbert Hamilton, both of whom are known to me, and both of whom, after being by me first duly and legally sworn, did depose and say under oath as follows:

That they have read the foregoing Complaint and the facts

alleged therein are true and correct.

Harney Hamilton

Elbert Hamilton

Sworn to and subscribed before me  
this the 7<sup>th</sup> day of March, 1959.

Melvin S. Stone  
Notary Public, Baldwin County, Ala.

3-16-1959

Service accepted  
Ray E. Loper Lumber

CO. chas. Blackburn  
154 J. P. Blackman  
Attorney

Filed

Mar. 16, 1959

Alice J. Lusk

clerk

2771  
*Complaint*

FILED

MAR 16 1959

ALICE J. DUCK, CLERK  
REGISTER

LAW OFFICES  
**CHASON & STONE**  
BAY MINETTE, ALABAMA

HARVEY HAMILTON, a minor, individ- )  
ually, and HARVEY HAMILTON, a minor, )  
suing by his father and next friend, )  
Elbert Hamilton, )

Plaintiff, )

VS. )

RAY E. LOPER LUMBER COMPANY, INC., )  
a corporation, )

DEFENDANT. )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ANSWER

Now comes the defendant in the above entitled cause, and  
for answer to the petition or complaint that has been filed in this  
cause says:

1. It admits the allegations of Paragraph Numbered One of  
the petition.

2. It admits that the relationship of employer and em-  
ployee existed between the plaintiff and the defendant at the time  
of the plaintiff's alleged injuries on, to-wit, May 23, 1958, and  
that the said parties are subject to the provisions of the Workmen's  
Compensation Law of Alabama.

The defendant denies each and all of the other alle-  
gations of Paragraph Numbered Two of the petition.

3. The defendant denies the allegations of Paragraph  
Numbered Three of the petition.

*Filed*  
*April 16, 1959*  
*Alice J. Luck*  
*clerk*

*J. B. Blackburn*  
Attorney for defendant

3791 ANSWER

HARVEY HAMILTON, a minor, individually, and HARVEY HAMILTON, a minor, suing by his father and next friend, Elbert Hamilton,

Plaintiff,  
VS.

RAY E. LOPER LUMBER COMPANY, INC.,  
a corporation,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

FILED

APR 16 1959

ALICE J. DICK, CLERK  
REGISTER

HARVEY HAMILTON, a minor,  
individually, and HARVEY  
HAMILTON, a minor, suing by  
his father and next friend,  
Elbert Hamilton,

Plaintiff,

VS.

RAY E. LOPER LUMBER COMPANY,  
INC., a corporation,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

MOTION

Now comes the defendant, by its attorney, and moves the  
court to make and enter an order in this cause requiring the plain-  
tiff, Harvey Hamilton, to be examined by a competent, disinterested  
physician to be appointed by this court, and that the cost of such  
examination be taxed as a part of the costs of this proceeding.

*Filed*  
*April 16, 1959*  
*Alice J. Duck*  
*Clerk*

*J. T. Blackburn*  
Attorney for defendant

MOTION 3791

HARVEY HAMILTON, a minor, in-  
dividually, and HARVEY HAMILTON,  
a minor, suing by his father and  
next friend, Elbert Hamilton,

Plaintiff,

VS.

RAY E. LOPER LUMBER COMPANY, INC.,  
a corporation,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

FILED

APR 18 1959

ALICE J. DUCK, CLERK  
REGISTER



HARVEY HAMILTON, a minor,  
individually, and HARVEY  
HAMILTON, a minor, suing by  
his father and next friend,  
Elbert Hamilton,

Plaintiff,

vs.

RAY E. LOPER LUMBER COMPANY,  
INC., a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

#### FINAL JUDGMENT

A complaint for compensation under the Workmen's Compensation Laws of the State of Alabama having been filed in this Court, and all parties having appeared, and the matter having been regularly heard by the Court and submitted for a decision, the Court makes its findings and awards as follows:

#### FINDINGS OF FACT

1. That Harvey Hamilton, the Plaintiff in this cause, while employed as a laborer on May 23, 1958, in Bay Minette, Baldwin County, Alabama, by the Defendant Ray E. Loper Lumber Company, Inc., a corporation, sustained and suffered an injury as the result of which his left hand was amputated at a point between the elbow and wrist. At the time of said injury and at the time of the filing of this complaint the said Harvey Hamilton was a minor but that subsequent to the filing of said complaint and prior to this judgment the said Harvey Hamilton became twenty-one years of age.

2. That the said injury caused a permanent partial disability to the left arm of the said Harvey Hamilton to the extent of an eighty-five percent (85%) loss of the use of said arm.

3. That the average weekly earnings of the said Harvey Hamilton at the time of his said injury (regard being had to the average weekly amount which during the fifty-two weeks prior to the injury was being earned by a person or persons in the same grade of employment, employed at the same work and by the same Defendant, because of the shortness of time during which the said Harvey Hamilton was employed by Ray E. Loper Lumber Company, Inc., a corporation) was

Thirty-three Dollars and Ninety Cents (\$33.90).

4. That Harvey Hamilton did not at the time of said injury, and does not now, have a dependent wife or children.

5. That both the Plaintiff and the Defendant were subject to the Workmen's Compensation Laws of the State of Alabama, at the time of said injury and that no payment has been made to the Plaintiff for and on account of the permanent partial disability sustained by him as a result of said injury.

6. That the Plaintiff has employed, with the consent and approval of this Court, the firm of Chason & Stone, Attorneys at Law, Bay Minette, Alabama, and said firm of attorneys is entitled to a lien against unpaid compensation for the reasonable value of its services in the sum of \$250.00.

#### CONCLUSIONS OF LAW

That the Plaintiff is entitled to have and recover of the Defendant Eighteen Dollars and Sixty-five Cents (\$18.65) per week (55% of his average weekly earnings) for a period of one hundred and seventy (170) weeks (85% of 200 weeks) as provided in Title 26, Section 279 of the Code of Alabama of 1940, as amended; less the sum of Two Hundred Fifty Dollars (\$250.00) as a reasonable attorneys' fee to be paid to Chason & Stone, Attorneys at Law, Bay Minette, Alabama.

#### JUDGMENT AND AWARD

The Court having considered all of the above, it is, therefore ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, as follows:

1. That the Plaintiff Harvey Hamilton have and recover of the Defendant Ray E. Loper Lumber Company, Inc., a corporation, the sum of One Thousand Four Hundred Seventeen Dollars and Forty Cents (\$1,417.40) being the amount of compensation due the Plaintiff for the seventy-six (76) week period from May 24, 1958, to and including October 25, 1959, at the rate of Eighteen Dollars and Sixty-five Cents (\$18.65) per week. That said sum of money be paid to the Clerk of this Court to be disbursed by her as follows: Two Hundred Fifty Dollars (\$250.00) to the firm of Chason & Stone, Attorneys at Law, Bay Minette, Alabama, as a reasonable attorneys' fee to said firm

for services rendered for and on behalf of the Plaintiff in this cause; the balance, or One Thousand One Hundred Sixty-seven Dollars and Forty Cents (\$1,167.40) to be paid to the Plaintiff in this cause.

2. That the Plaintiff Harvey Hamilton have and recover of the Defendant Ray E. Loper Lumber Company, Inc., a corporation, the further and additional sum of Eighteen Dollars and Sixty-five Cents (\$18.65) per week for a period of ninety-four (94) weeks, the first of which said payments shall be due and payable on Monday, the ninth day of November, 1959, and on the same day of each successive week thereafter for the full term of ninety-four (94) weeks.

3. That the Defendant Ray E. Loper Lumber Company, Inc., a corporation, be, and it is hereby, taxed with the cost of this proceeding, for all of which let execution issue.

Done this 3 day of November, 1959.

**FILED**

NOV 3 1959

ALICE L. DUCK, CLERK  
REGISTER

Robert M. Hall  
Circuit Judge