

SUPREME COURT OF LOUISIANA

Price v. Lee Lumber Co., 125 La. 888

51 So. 1025 (1910) · Decided March 14, 1910

SUMMARY

The Louisiana Supreme Court considered whether a logging-company employee injured by a falling log could recover damages from his employer. The court held that the employee, who had substantial logging experience and understood the risks of the work, assumed the risk of the accident, and it found no negligence by the employer or fellow employees; the judgment rejecting the claim was affirmed.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Monroe, J.
JURISDICTION	Louisiana
DECIDED	March 14, 1910
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment of the Thirteenth Judicial District Court for the Parish of Rapides rejecting his demand for damages arising from his minor son's workplace injury.
STANDARD OF REVIEW	The court reviewed the evidence and the district court's factual and legal determination regarding assumption of risk and negligence.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion
PARTIES	W. H. D. Price, for the use and benefit of his minor son v. Lee Lumber Company, Limited

TOPICS

assumption of risk

personal injury

negligence

standard of care

employment law

PRACTICE AREAS

torts

employment law

personal injury

QUESTIONS PRESENTED

1. Whether the injured logging worker assumed the risk of being struck by a log that accidentally rolled from a logging car.
2. Whether the defendant was negligent in failing to provide adequate chocks or stakes, in loading logs of unequal lengths, or through the conduct of its loading-crew employees.
3. Whether the worker's alleged inexperience or lack of warning prevented application of assumption of risk.

HOLDINGS

1. An able-bodied worker nearly twenty years old with substantial logging experience who requested assignment to loading-crew work and could appreciate the danger of logs rolling from a logging car assumed the risk of the accident and could not recover for the resulting injuries.
2. The evidence did not establish negligence by the defendant, the top loader, or the steam-loader operator.

KEY QUOTATIONS

“Upon the whole, considering the extent of his general experience, as a logger, with reference to the dangers of the particular work for which, at his own request, he was employed, we agree with the judge a quo that he must be considered to have assumed the risk of the accident by which he was injured.” (893)

“By walking four or five feet further, he would have cleared the end of the long log and have been out of danger.” (893)

FACTUAL BACKGROUND

The plaintiff's son, nineteen years and seven months old, had more than three years of experience in logging work and requested assignment to defendant's loading crew as a switchman. While logs were being loaded onto a logging car, a long log rolled from the upper tier after the steam loader's operation jarred other logs, striking and injuring him as he attempted to go beneath the projecting end of the log to retrieve a binder chain. The court found that the son was experienced with logging operations, had observed the loading, could appreciate the danger, and could have taken a safer route around the log.

PROCEDURAL HISTORY

Price sued for damages on behalf of his minor son, alleging that the son's injury resulted from negligence for which Lee Lumber Company was responsible. The defendant denied liability and pleaded contributory negligence and fellow-servant negligence. The district court rejected plaintiff's demand, and the Louisiana Supreme Court affirmed.

DISPOSITION

affirmed

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