

6

KARL W. ANDERSON, Administrator
De Bonis Non of Charles Gustafson,
Plaintiff.

vs.

PHILIP C. ARMSTRONG ET AL.,
Defendants.

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Come the defendants in the above styled cause, and for answer to plaintiff's complaint and to each count thereof, say:

FIRST: That the matters therein alleged are untrue.

SECOND: That the injury complained of occurred in the town of Silverhill on a street a part of which was constructed and set apart for the use of vehicles, and along and parallel to the part of said street set apart to vehicles there was a well defined and usable and used sidewalk set apart for pedestrians; that said injury occurred between crossing;; that at the time and place of the injury complained of the decedent was negligently walking along, across or in that part of said street set apart for and used by vehicles, which said negligence of the decedent proximately contributed to the injury complained of.

THIRD: Defendants adopt all that part of ^{plea} paragraph "SECOND" down to and including the phrase "that said injury occurred between crossing"; and further alleges that the decedent was walking on the said sidewalk, and as the said automobile approached he quickly left the same and started across the street directly in front of the approaching automobile without any sign or warning of his intention, and though the driver stopped the automobile as quickly as possible, it collided with decedent without any negligence or fault of the driver, which negligence on the part of the decedent proximately contributed to the injury complained of.

which said automobile was equipped with proper brakes and being driven by a licensed driver

FOURTH: Defendants adopt all that part of ^{plea} paragraph "SECOND" down to and including the phrase "that said injury occurred between crossing"; and defendants further allege that the automobile

which said automobile was equipped with proper brakes and being driven by a licensed driver

at the time and place of the injury was being driven on the right side of the street, ^{at a reasonable rate of speed} and the decedent was a moment before walking along the outer edge of said street on the right at a safe marginal distance from the part of said street usually used by vehicles and then being used by said automobile; that the decedent negligently stepped quickly into the street and directly in front of said automobile, and so close thereto that he was struck before the same ^{while running at such reasonable rate of speed and with proper brakes} could be stopped; that the driver thereof used all efforts to prevent the collision, which said negligence of the decedent proximately contributed to the injury complained of.

Duke Hall

Attorneys for Defendants.

Fifth: We further adapt that part of plea two down to and including the phrase "that said injury occurred between crossing" and further alleged that the decedent negligently stepped in front the said approaching vehicle and in such close proximity thereto that he was struck by the same before it could be stopped, which negligence of the decedent proximately contributed to the injury complained of

RECORDED

Duck

8-52

Filed Feb 18, 1938
Rater Duck
Check

KARL W. ANDERSON, Administrator
De Bonis Non of Charles Gustaf-
son,

Plaintiff,

-vs-

PHILIP G. ARMSTRONG ET AL,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Now comes the Plaintiff and demurs to Pleas 1, 2, 3 and 4, separately and severally, and assigns as grounds therefor:-

1st. That said plea presents no defense to this cause of action.

2nd. That said plea is but a conclusion of the pleader.

3rd. That said plea does not set out in what Plaintiff's negligence consisted of.

4th. That for aught appearing Plaintiff's intestate had a right to be in said street.

5th. For aught appearing Defendant, through his agents, was running said automobile at a high rate of speed.

6th. That for aught appearing Defendants had no lights burning on his said automobile.

7th. For aught appearing Defendant did not sound his horn on said automobile.

8th. For aught appearing Defendant had no brakes on said automobile.

9th. That for aught appearing Defendant was operating his automobile at an unreasonable rate of speed.

10th. That for aught appearing Defendant was not keeping a lookout for pedestrians in said street.

Attorneys for Plaintiff
11th - It is well known that the intestate did not look before he entered said street
12th - That the allegations of said plea are not sufficient to show plaintiff's intestate was contributorily negligent
Attest Hand of Plaintiff
Atty for Plaintiff

DEMURRER.

KARL W. ANDERSON, Admini-
strator De Bonis Non of
Charles Gustafson,

Plaintiff,

-VS-

PHILIP G. ARMSTRONG ET AL,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed February 25, 1935

J. Robert L. Lacey
Clerk.

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 Phillip Armstrong, Josephina Johnson and Elvira Armstrong 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 Esther Gustafson, Executrix of the Estate of Charles Gustafson, Deceased.

Witness my hand this the 16th day of November, 1933.

Wm. A. Stone
Clerk.

COMPLAINT.

ESTHER GUSTAFSON, Executrix
of the Estate of Charles Gus-
tafson, Deceased,

Plaintiff,

-vs-

PHILLIP ARMSTRONG, JOSEPHINA
JOHNSON and ELVIRA ARMSTRONG,

Defendants.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

The Plaintiff, as the Executrix of the Estate of Charles Gustafson, Deceased, claims of the Defendants the sum of Fifteen Thousand Dollars (\$15,000.00) damages, for in this:- That on, to-wit, April 12th, 1933, Emil Sandell, while operating an automobile for the Defendants, Phillip Armstrong, Josephina Johnson and Elvira Armstrong, and while acting within the line and scope of his agency, at a point on Broadway Avenue about two blocks south of the center of the Town of Silverhill, Alabama, negligently ran said automobile into or against Plaintiff's testator, who was then and there travelling along said Avenue, where he had a right to be, and that by reason of said negligence and as a proximate result thereof, Plaintiff's testator was caused to die--hence this suit.

Hyport Ward & Chason
Attorneys for Plaintiff.

Plaintiff demands a trial of
this cause by jury.

Hyport Ward & Chason
Attorneys for Plaintiff.

RECORDED
287

SUMMONS & COMPLAINT.

Executed Nov 18th 1933
by serving copy of within Summons and
Complaint on

Phillip Armstrong
Josephina Johnson and
Elvira Armstrong

W R Stuart Sheriff
By J. M. Heister Deputy Sheriff

ESTHER GUSTAFSON, Executrix
of the Estate of Charles Gus-
tafson, Deceased,

Plaintiff,

—VS—

PHILLIP ARMSTRONG, JOSEPHINA
JOHNSON and ELVIRA ARMSTRONG,

Defendants.

IN THE CIRCUIT COURT—LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed November 16th, 1933

Wm. A. Stone
Clerk.

LAW OFFICES
HYBART, HEARD
& CHASON
BAY MINETTE, ALABAMA

ESTHER GUSTAFSON, Executrix
of the Estate of Charles Gus-
tafson, Deceased,
Plaintiff,

VS

PHILLIP ARMSTRONG, JOSEPHINA
JOHNSON and ELVIRA ARMSTRONG,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Come the Defendants in the above styled cause and demurring
to the complaint, herein filed, separately and severally, say:

I. Said Complaint does not state a cause of action.

Beck & Hall
Attorneys for Defendants.

706
Jury
RECORDED

ESTHER GUSTAFSON, Executrix
of the Estate of Charles Gus-
tafson, Deceased,
Plaintiff,

VS

PHILLIP ARMSTRONG, JOSEPHINA
JOHNSON and ELVIRA ARMSTRONG,
Defendants.

- - - - -

DEMURRER

- - - - -

Filed December 15th, 1933,

Wm. A. Stone
Clerk.

BEEBE & HALL
LAWYERS
BAY MINETTE, ALA.

The State of Alabama,

CIRCUIT COURT

County.

No. 6

July Term, 1937

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED, That of the goods and chattels, lands and tenements of Philip Armstrong,
Josephine Johnson and Elvira Armstrong, Defendant,
you cause to be made the sum of Sixteen and 55/100 DOLLARS,
which Esther Gustafson Plaintiff,
recovered of them
on the 12 day of April, 1937, by the Judgment of our Circuit Court held for the County of _____,
besides the sum of _____ DOLLARS,
costs of suit, and have the same to render to the said _____, and make return of this Writ and
the execution thereof, according to law.

Interest from _____, 19____, to _____, 19____.

Witness, my hand this 24 day of April, 1937

Clerk.

CLERK'S FEES	AMOUNT	SHERIFF'S FEES	AMOUNT
Issuing.....Summons and Complaint.....	\$1.25	Serving and Returning.....Summons.....	\$1.50
Issuing.....copies of same.....	.30	Serving and Returning.....Writs.....	1.30
Issuing.....Branch Summons and Complaint.....	1.25	Serving and Returning.....Subpoenas for...Wit.....	.65
Issuing.....copies of same.....	.30	Levy.....Attachment.....	3.00
Entering.....Sheriff's Return or copy of above.....	.20	Entering and Returning.....Attachment.....	.25
Docketing Cause.....	.25	Summoning and Returning.....Garnishee.....	1.50
Entering.....Appearances.....	.20	Serving and Returning.....Sci. Fas.....Notices.....	1.50
Filing.....Pleas.....Demurrers.....	.10	Impaneling Jury.....	.75
.....Affidavits, Certified.....	.25	Collecting Cost, Execution.....	1.50
.....Commissions to take Depositions.....	.75	Taking and Approving.....Replevin Bonds.....	1.00
.....copies of Interrogatories.....		Claim Bonds.....	1.00
.....Notices of Filing Interrogatories.....	.50	Garnishment Bonds.....	.75
Filing.....Packages of Depositions.....	.10	Forthcoming Bonds.....	1.00
Inclosing.....Packages of Depositions.....	.10	Bail Bonds.....	1.00
.....Orders in Court.....	.30	Detinue Bond.....	1.00
.....Continuances.....	.10	Writ of Possession.....	5.00
Issuing.....Subpoenas for.....Witnesses.....	.30	Making Deed.....	5.00
Trial and Incidents.....	.75	Collecting Money on Execution.....	
Entering.....Judgment.....	.30	Writ of Restitution.....	2.00
Issuing.....Execution.....	.50	Sheriff's Commissions.....	
Entering.....Sheriff's Return of Execution.....	.20	Sheriff's Deed.....	
Issuing.....Certiorari.....Sci. Fas.....	.75	Seizing Personal Property in Detinue.....	3.00
Filing.....Certiorari, etc.....	.15	Former Sheriff's Fees.....	
Issuing.....Notices.....	.75	TOTAL SHERIFF'S FEES.....	6.50
Issuing.....copies of same.....	.50	WAIVER.....NO WAIVER.....	
Taking.....Bonds.....	.75	RECAPITULATION.....	
Filing.....Bonds.....	.10	Judgment for.....for.....	
Issuing.....Attachment Writ.....and taking Bond.....	1.00	Interest from.....	
Filing.....Attachments.....	.10	Damages.....	
.....Summons of Garnishee.....	.50	Clerk's Fees.....	7.55
Swearing and Ent.....Answer of Garnishee.....		Sheriff's Fees.....	6.00
Complete Record, 15c per 100 words.....	5.50	Justice of Peace Fees.....	
Transcript to Supreme Court.....		Witness Fees in Justice of Peace Court.....	
Certificate of Appeal to Supreme Court.....	.75	Constable's Fees.....	
.....Notices of Appeal.....	.75	Commissioner's Fees.....	
.....Appeal Bond.....	.75	Commissioner's Residence.....	
Certificate of Judgment.....	.50	Printer's Fees.....	
.....Witness Certificates.....	.25	Garnishee's Fees.....	
		Witness Fees in Circuit Court.....	
		Former Clerk's Fees.....	
		Trial Tax.....	3.00
TOTAL CLERK'S FEES.....	7.55	TOTAL FEES.....	16.55

Alison

No. 6

Page

The State of Alabama,
COUNTY.

CIRCUIT COURT.

Estlin Gustafson

et al

VS.

Plaintiff.

Phillips Lomax

et al

Defendant

CIVIL EXECUTION FOR COSTS
AGAINST DEFENDANT

Judgment for _____ for \$ _____

Interest from _____, 19____,

to _____, 19____, \$ _____

Damages _____ \$ _____

Costs _____ \$ 16.53

Total _____ \$ _____

Civil Fee Book Page _____

Execution Docket _____ Page _____

Filed 7-23-37, 19____

R. S. Smith Clerk

Hyland & Osmon Plaintiff's Attorney

Becker and Sobell Defendant's Attorney

COLLECT COSTS FROM
DEFENDANT

The State of Alabama,
COUNTY.

I hereby certify that the within Judgment and costs in
this case are correct, and there was a waiver of exemp-
tion as to personal property under the Constitution and
Laws of Alabama.

This _____ day

of _____, 19____

Clerk.

Received in Office

7/28

1937

M. H. Wilkins Sheriff.

Sheriff's Execution Docket, page 116

Sheriff's Fee Book, page _____

Returned for Alisa
Oct 22 - 1937

M. H. Wilkins Sheriff

Cost paid direct to
clerk Nov 2 - 1937

M. H. Wilkins Sheriff

The State of Alabama, }

COUNTY.

By virtue of the within Execution, I have, at
levied _____

_____ o'clock _____ M., this _____ day of _____, 19____

Sheriff.

PLAINTIFF'S WITNESSES

AMOUNT

DEFENDANT'S WITNESSES

TOTAL