

CHARLOTTE D. ERSKINE

Plaintiff,

vs.

ESTELLE CURTIS and STEPHEN
ABRAHAM TULLUS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

PLEAS OF STEPHEN ABRAHAM
TULLUS

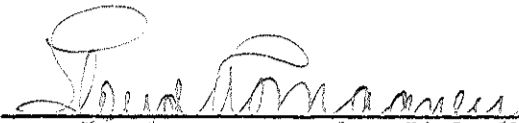
ONE

Comes now the above named defendant and for answer to the complaint, and to each and every count thereof, separately and severally, says that he is not guilty of the matters therein alleged.

TWO

For further answer to the complaint and to each and every count thereof, separately and severally, this defendant says that the loss and damage of the plaintiff was wholly due to and was proximately caused by the carelessness and negligence of the plaintiff in this, that the said plaintiff was driving her automobile at the place mentioned in the complaint on the wrong or left hand side of the road; that the plaintiff was driving her car along said road to the east while this defendant was driving along said road to the West, and when said automobile approached each other the car of the plaintiff was by the plaintiff, carelessly and negligently driven on that part of the road along which this defendant was entitled to drive and so close to the north or left-hand edge of said road that there was no room for this defendant to pass the car of the plaintiff to his right and that when the defendant attempted to pass the automobile of the plaintiff to his left, the plaintiff carelessly and negligently drove her said automobile directly into the path of the automobile of this defendant, where the two cars collided, and said accident, and all of the loss and damage of the defendant, was wholly caused by the carelessness and negligence of the plaintiff herself and the carelessness and negligence of the plaintiff was the proximate cause of the accident.

WHEREFORE, having fully answered, this defendant prays
that he may go hence without day and have judgment for her costs
herein expended.



Attorney for Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CHARLOTTE D. ERSKINE,
Plaintiff

vs.

ESTELLE CURTIS and STEPHEN
ABRAHAM TULLUS

Defendant.

PLEAS OF STEPHEN ABRAHAM
TULLUS

*Filed March 17, 1941,
R. S. Duck, Register-Clerk*

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

PLEAS OF ESTELLE CURTIS

ONE

Comes now the above named defendant and for answer to the complaint, and to each and every count thereof, separately and severally, says that she is not guilty of the matters therein alleged.

TWO

For further answer to the complaint and to each and every count thereof, separately and severally, this defendant says that the loss and damage of the plaintiff was wholly due to and was proximately caused by the carelessness and negligence of the plaintiff in this, that the said plaintiff was driving her automobile at the place mentioned in the complaint on the wrong or left hand side of the road; that the plaintiff was driving her car along said road to the east while the said Stephen Abraham Tullus was driving along said road to the West, and when said automobiles approached each other the car of the plaintiff was by the plaintiff, carelessly and negligently driven on that part of the road along which the said Tullus was entitled to drive and so close to the north or left-hand edge of said road that there was no room for the said Tullus to pass the car of the plaintiff to his right and that when the said Tullus attempted to pass the automobile of the plaintiff to his left, the plaintiff carelessly and negligently drove her said automobile directly into the path of the automobile of the said Tullus, where the two cars collided, and said accident, and all of the loss and damage of the defendant, was wholly caused by the carelessness and negligence of the plaintiff

herself and the carelessness and negligence of the plaintiff was the proximate cause of said accident.

WHEREFORE, having fully answered, this defendant prays that she may go hence without day and have judgment for her costs herein expended.



Attorney for Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CHARLOTTE D. ERSKINE,
Plaintiff

vs.

ESTELLE CURTIS and STEPHEN
ABRAHAM TULLUS

Defendants.

PLEAS OF ESTELLE CURTIS

*Filed March 17, 1941,
R. S. Dorch, Clerk*

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

The State of Alabama, {
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Fall

Term, 194 1

No. 645 C vs.

Charlton D Eskine
Esquire Charles A Stephen Abraham Tiller

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of.....	.25	Clerk's Fees	9 65
Issuing Summ. and Complt., each.....	1.25	Ex-Clerk's Fees	6 45
Issuing Alias or Branch Summons & Complaint, each.....	1.25	Sheriff's Fees	
Making Copies Thereof, Minimum, each.....	2 .30	Ex-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words.....	.15	Witness Fees	
Entering Sheriff's Returns, each.....	2 .20	Commissioner's Fees	
Entering Appearances, each .....	.20	.....
Certifying Affidavits, each .....	.25	Garnishee's Fees	
Issuing Attachments with Bond, each	1.00	Publisher's Fees	
Orders of Publication, each .....	.50	.....
Copy of Same, each .....	.50	Court Reporter's Fees, Per Day or fraction thereof	5.00
Issuing Summ. to Garnishee, each .....	.50	Trial Tax	3 00
Copy of Same, Per 100 Words .....	.15	.....
Swearing Garnishee, Etc., Per 100 words, .15, Minimum .....	.50	.....
Release of Garnishee, each .....	.25	.....
Issuing Scire Facias or Similar Notice, each .....	.75	.....
Copies of Same, Per 100 Words.....	.15	.....
Making Copy of Interrogatories, Per 100 Words, .15; Minimum	2 .50	Fees and Costs in Inferior Court:	
Commission to Take Depositions, each .....	.75	Clerk of Inferior Court Fees	
Filing Depositions, Each Pkg., .....	.10	Sheriff's Fees	
Endorsing Each Package of Depositions Opened .....	.10	Justice of Peace Fees	
Issuing Subpoenas, Each	3 .30	Constable's Fees	
Issuing Witness Certificates, each.....	.25	.....
Entering Continuances, each .....	.10	.....
Filing Papers, each	5 .10	Fees and Costs in Inferior Court	
Other Orders of Court, each .....	.30	Total Fees and Costs	
Trial and Incidents .....	.75	Judgment	
Entering Judgment, each .....	.30	10 Per Cent Damages	
Complete Record, Per 100 Words	3 .15	Interest	
Taking Bonds, each .....	.75	Total Judgment	
Certificate of Appeal .....	.25	Total Fees, Costs and Judgment	
Transcript to Supreme Court, Per 100 Words .....	.15	.....
Additional Copies of Same, Per 100 Words .....	.05	.....
Issuing Executions or Copy Thereof, each .....	.50	.....
Entering Sheriff's Return, Per 100 Words, .15; Minimum .....	.20	.....
.....		Total	19 10
Total Clerk's Fees	9 65		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each.....	2 1.50		
Levying Attachment, each	3.00		
Entering and Returning Same, each .....	.25		
Seizing Personal Property Under Writ of Detinue	3.00		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice, Each	1.50		
Serving and Returning Subpoenas, each	3 .65		
Serving Contempt Attachment, each	1.50		
Impanelling Jury.....	.75		
Collecting Execution for Costs Only, each.....	1.50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....	5.00		
Making Deed to Real Estate Sold, each	2.50		
Serving Juries.....	1 50		
Total Sheriff's Fees	6 45		

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST:

Clerk Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194_____

ATTEST:

Clerk Circuit Court, Baldwin County, Ala.

Cost Bill Nov 8, 1947
No. 645 Page 4

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

Charlotte D. Eise

vs.

Plaintiff----

*Estelle Curtis &
Stephen Abraham
Tulius*

Defendant----

CIVIL COST BILL

Term, 19____

Fee Book_____, Page____

Plaintiff's Attorney.

Defendant's Attorney.

CHARLOTTE D. ERSKINE,

Plaintiff,

vs.

ESTELLE CURTIS and STEPHEN
ABRAHAM TULLUS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

ANSWERS OF ESTELLE CURTIS TO
INTERROGATORIES PROPOUNDED
BY THE PLAINTIFF

To the first interrogatory she says: My name is Estelle Curtis, I am 67 years of age and reside during the warm part of the year in Clinton, Wisconsin, and during the cold months in Magnolia Springs, Alabama.

To the second interrogatory she says: I am acquainted with Stephen Abraham Tullus and he works for me.

To the third interrogatory she says: He was employed by me on January 18, 1941, at the time of the accident with Mrs. Charlotte D. Erskine.

To the fourth interrogatory she says: He was at that time driving an automobile which belonged to me but which was not then in my charge.

To the fifth interrogatory she says: At the time of the accident he was not on a mission for me.

To the sixth interrogatory she says: At the time of the accident he was my servant or employee but he was not acting within the line and scope of his employment.

To the seventh interrogatory she says: It is not a fact that on the date of the accident I had sent Stephen Abraham Tullus in my automobile or truck to Foley on business for me.

STATE OF ALABAMA)
BALDWIN COUNTY)

Estelle Curtis, being first duly sworn on oath deposes and says that she has read the foregoing answers to interrogatories and that the same are true.

Estelle Curtis

SUBSCRIBED in my presence and sworn to before me this
11 day of March, 1941.

Land R. Ramsey
Notary Public.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CHARLOTTE D. ERSKINE

Plaintiff

vs.

ESTELLE CURTIS and STEPHEN ABRAHAM
TULLUS,

Defendants.

ANSWERS OF ESTELLE CURTIS TO IN*
TERROGATORIES PROPOUNDED BY THE
PLAINTIFF.

Filed March 17, 1941,
R. B. Clark, Clerk.

day of March, 1941.

CLERK OF COURT.

Declaratory.

VERIFICATION
ESTELLE CURTIS and STEPHEN

as.

Signature.

CHARLOTTE D. ERSKINE.

BY THE SHERIFF
SHERIFF OF BALDWIN COUNTY
ALABAMA
AT THE CIRCUIT COURT OF

CHARLOTTE D. ERSKINE,

Plaintiff,

VS.

ESTELLE CURTISS and
STEPHEN ABRAHAM TULLUS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

INTERROGATORIES PROPOUNDED TO THE RESPONDENT, ESTELLE CURTISS,
UNDER ARTICLE 10, CHAPTER 290, OF THE 1923 CODE OF ALABAMA.

1. Please state your name, age and place of residence.
2. Please state whether or not you are acquainted with Stephen Abraham Tullus, and if so, for whom he works.
3. Please state whether or not Stephen Abraham Tullus was employed by you on to-wit, January 18th, 1941, at the time of an accident with Mrs. Charlotte D. Erskine of Foley, Alabama.
4. Please state whether or not Stephen Abraham Tullus was at the time driving an automobile belonging to you, or which was in your charge.
5. Please state whether or not Stephen Abraham Tullus was at the time of the accident on a mission for you.
6. Please state whether or not at the time of the accident Stephen Abraham Tullus was your agent, servant or employee, and if he was acting within the line and scope of his employment.
7. Please state whether or not it is a fact that on the date of the accident you had sent Stephen Abraham Tullus in your automobile or automobile truck to Foley on business for you.

BEEBE & HALL,

By: Hubert M. Hall

STATE OF ALABAMA,)

BALDWIN COUNTY.)

Before me, the undersigned authority, in and for said County, in said State, personally appeared HUBERT M. HALL, who being by me first duly sworn, deposes and says, that he is one of the attorneys of record for the Plaintiff in the above styled cause; that answers to the above interrogatories will be material testimony for the Plaintiff in said cause.

Hubert M. Hall

Sworn to and subscribed before me
this 18th day of Feb., 1941.

Hubert M. Hall
Notary Public, Baldwin County, Ala.

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Sever. v.
Estelle Curtiss
Magnum
Spring

INTERROGATORIES:

CHARLOTTE D. ERSKINE,

Plaintiff,

VS.

ESTELLE CURTISS and
STEPHEN ABRAHAM TULLUS,

Defendants.

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

Filed February 18, 1941
R.S. Durr, Clerk

Received in Sheriff's Office
this 19 day of Feb 1941
W. R. STUART, Sheriff

Exhibited Feb 24, 1941
by serving copy of
the within Interrogatory
atons on Estelle
Tulle Curtiss

W. R. Stuart
Sheriff
Thady Hall
Deputy Sheriff

STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ESTELLE CURTISS and STEPHEN ABRAHAM TULLUS 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 the same, then and there to answer the complaint of CHARLOTTE D. ERSKINE.

WITNESS my hand this 17th day of February, 1941.

H. S. Dyer
Clerk.

CHARLOTTE D. ERSKINE,

Plaintiff,

VS.

ESTELLE CURTISS and
STEPHEN ABRAHAM TULLUS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

FIRST:

The Plaintiff claims of the Defendants Two Thousand (\$2,000.00) Dollars as damages, for that, on to-wit, the 18th day of January, 1941, the Plaintiff was driving her automobile along the Foley-Magnolia Springs Highway, a public highway in Baldwin County, Alabama, at a point approximately two miles West of Foley, and then and there Stephen Abraham Tullus, the agent, servant or employee of Estelle Curtiss, while acting within the line or scope of his employment, negligently drove an automobile or automobile truck into, over or against the automobile in which the Plaintiff was riding, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff received severe personal injuries, in this to-wit: Her wrist was sprained; she was made sick, sore and lame; she was bruised and lacerated; she was internally injured; she was permanently injured; she suffered and continues to suffer great mental anguish and physical pain; she incurred doctor and medical bills; for all of which she claims damages as aforesaid, hence this suit.

SECOND:

The Plaintiff claims of the Defendants Two Thousand (\$2,000.00) Dollars as damages, for that, on to-wit, the 18th day of January, 1941, the Plaintiff was driving her automobile along the Foley-Magnolia Springs Highway, a public highway

in Baldwin County, Alabama, at a point approximately two miles West of Foley, and then and there Stephen Abraham Tullus, the agent, servant or employee of Estelle Curtiss, while acting within the line or scope of his employment, wilfully or wantonly drove an automobile or automobile truck into, over or against the automobile in which the Plaintiff was riding, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff received severe personal injuries, in this to-wit: Her wrist was sprained; she was made sick, sore and lame; she was bruised and lacerated; she was internally injured; she was permanently injured; she suffered and continues to suffer great mental anguish and physical pain; she incurred doctor and medical bills, for all of which she claims damages as aforesaid, hence this suit.

THIRD:

The Plaintiff claims of the Defendants the further sum of Nine Hundred as damages, (\$900.00) Dollars, for that, on to-wit, the 18th day of January, 1941, the Plaintiff was driving her automobile along the Foley-Magnolia Springs Highway, a public highway in Baldwin County, Alabama, at a point approximately two miles West of Foley, and then and there Stephen Abraham Tullus, the agent, servant or employee of Estelle Curtiss, while acting within the line or scope of his employment, negligently drove an automobile or automobile truck into, over or against the Plaintiff's automobile, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff's automobile was damaged, to-wit: Head lights broken; glasses and doors broken; fenders bent; wheels and tires injured; running board damaged; body bent and damaged, and damaged otherwise, for all of which she claims damages as aforesaid, hence this suit.

FOURTH:

The Plaintiff claims of the Defendants the further sum of Nine Hundred (\$900.00) Dollars as damages, for that, on to-wit, the 18th day of January, 1941, the Plaintiff was driving her automobile along the Foley-Magnolia Springs Highway, a public highway in Baldwin County, Alabama, at a point approximately two miles West of Foley, and then and there Stephen Abraham Tullus, the agent, servant or employee of Estelle Curtiss, while acting within the line or scope of his employment, wilfully or wantonly drove an automobile or automobile truck into, over or against the Plaintiff's automobile, and by reason thereof and as a proximate result and consequence thereof, the Plaintiff's automobile was damaged, to-wit: Head lights broken; glasses and doors broken; fenders bent; wheels and tires injured; running board damaged; body bent and damaged, and damaged otherwise, for all of which she claims damages as afore-

said, hence this suit.

BEEBE & HALL,

By: *Wm. L. Hall*
Attorneys for Plaintiff

The Plaintiff demands a trial by Jury.

BEEBE & HALL,

By: *Wm. L. Hall*
Attorneys for Plaintiff.

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Received in Sheriff's Office
this 18 day of Feb, 1941
W. R. STUART, Sheriff

RECORDED

SUMMON AND COMPLAINT

CHARLOTTE D. ERSKINE,

Plaintiff,

VS.

ESTELLE CURTISS and
STEPHEN ABRAHAM TULLUS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed February 17, 1941
R.S. Duck, Register-Clark

Magnolia Springs, Ala

Essential Feb 20th 1941
by serving copy of the
within Summons
& Complaint on
Stephen Abraham Tullus
on Feb 24th 1941
Served copy on
Estelle Curtiss
W.R. Stuart
Sheriff
By Grady Hall
Deputy Sheriff

645

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 645

Nov Term, 1934

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

L. T. Rhodes, Miss Pearl
Erskine, Dr. J. C. McLeod

if to be found in your County, at the instance of the _____

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 6 day of Nov 1934, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Charlotte W. Erskine et al Plaintiff

and Estelle Curtis et al Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this

24th

day of

Oct

1934

R. S. Duck

CLERK.

Received in office this 24 day of

Oct

1934

W.R. Stuart

m 13 71

SHERIFF

I have executed this writ by serving

L. Q. Rhodes - 10-25-41

Miss Pearl Erskine 10-29-41

Dr. J. C. McElroy

ORIGINAL

No. 6445

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Charlotte D. Erskine

Plaintiff

VS.

Estelle Curtis

Defendant

CIVIL SUBPOENA

Issued this 24 day of

Oct

1934

R. S. Alcock

Clerk.

W.R. Stuart

SHERIFF

By M.B.H. + J.L.B.