

JOHN C. PETTRY, As Adminis-  
trator of the Estate of John  
C. Pettry, Jr., Deceased,

Plaintiff,

vs.

HILMA L. BULLEN,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO  
THE DEFENDANT, HILMA L. BULLEN

Comes now the Plaintiff, John C. Pettry, As Administrator of the Estate of John C. Pettry, Jr., Deceased, by his Attorneys, and affidavit having been made by John Chason, one of the Attorneys of record for the Plaintiff, and propounds the following interrogatories to the Defendant, Hilma L. Bullen:

1. Please state your correct name, age and address.

(a) If you state that your name is Hilma L. Bullen, do you sometimes sign your name as Hilma A. Bullen?

(b) If you state that your name is Hilma A. Bullen, is not your driver's license taken in the name of Hilma L. Bullen?

2. Were you driving a 1951 Ford Coach East on Alabama Highway #89 at a point about 4.2 miles West of the Western City Limits of Foley, in Baldwin County, Alabama, on September 10, 1954, at about 6:30 o'clock p.m.?

(a) If you state that you were driving along said highway at said time and place were you involved in an accident at said time and place or at approximately at that time and place, in which accident a minor child, John C. Pettry, Jr., was killed?

(b) If you state that you were driving an automobile at said time and place, who was the owner of the automobile that you were driving?

(c) Were you familiar with the road at the place where the accident occurred?

(d) About how often in the year 1954 had you driven along said road at the place where the accident occurred?

(e) From the point that the accident occurred is it not true that there were two or three dwellings and two businesses on the South side of the Highway and one dwelling house and one or two businesses on the North side of the Highway East of the point where the accident occurred within a distance of 300 feet?

3. Was John C. Pettry, Jr., on the black-top surface of the Highway at the time he was struck by the automobile that you were driving?

(a) If you state that he was on the black-top surface of the Highway was he North or South of the center line of such Highway when the automobile struck him?

(b) Please state approximately how many feet John C. Pettry, Jr., was either North or South of the center line of the Highway when the automobile which you were driving struck him.

(c) Where was John C. Pettry, Jr., when you first saw him in regard to the black-top surface of the Highway?

(d) In what direction was John C. Pettry, Jr., traveling when you first saw him?

(e) Did he continue in the same direction in which he was traveling until the automobile that you were driving struck him?

(f) When the automobile which you were driving struck John C. Pettry, Jr., did it knock or carry him any distance and if so, how far?

(g) If you state that it did knock him or carry him some distance, in what direction was he knocked or carried?

4. Were the lights on the automobile that you were driving burning at the time of the accident?

(a) For what distance is the Highway straight West of where the accident occurred?

(b) Did you apply your brakes between the time you first saw John C. Pettry, Jr., and the time the automobile that you were driving struck him?

(c) Did you blow your horn between the time you first saw John C. Pettry, Jr., and the time the automobile that you were driving struck him?

(d) Did your wheels slide so as to make any skid marks between the time you first saw John C. Pettry, Jr., and the time the automobile that you were driving struck him?

(e) How far did the automobile that you were driving travel in an Easterly direction from the time it struck John C. Pettry, Jr., until it came to a complete stop?

(f) How far and in what direction was the automobile that you were driving from the body of John C. Pettry, Jr., when it came to a complete stop?

(g) Did you see any other motor vehicle traveling either in the direction that you were traveling or meeting you immediately before or after the accident and if you state that you did see such other motor vehicle please state in what direction it was traveling and what distance such motor vehicle was from you at the time of the accident.

(h) If you state that you saw another motor vehicle immediately before or after the accident please give the names and post office addresses of the occupants thereof if you know them.

5. How long did you remain at the point where the accident occurred before you left?

(a) Did you see a Doctor or someone who claimed to be a Doctor examine the body of John C. Pettry, Jr., before he was moved from where his body came to rest after the accident.

(b) Do you know the name and address of the person who so examined the body of John C. Pettry, Jr.?

(c) Was John C. Pettry, Jr., dead before he was moved?

CHASON & STONE

By:

  
Attorneys for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, L. Mac Humphries, a Notary Public, in and for said County in said State, personally appeared John Chason, who is known to me, and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason, and that he is one of the Attorneys of Record for John C. Pettry, As Administrator of the Estate of John C. Pettry, Jr., Deceased, who is the Plaintiff in that certain action now pending in the Circuit Court of Baldwin County, Alabama, wherein Hilma L. Bullen, is the Defendant. That the answers to the Interrogatories propounded above will be material testimony and evidence for the Plaintiff in the said cause.

Dated this 20<sup>th</sup> day of November, 1954.

John Chason

Sworn to and subscribed before  
me this 27<sup>th</sup> day of November,  
1954.

L. Mac Humphries  
Notary Public, Baldwin County, Alabama

702403 220

INTERROGATORIES

JOHN C. PETTRY, As Administrator  
of the Estate of John C. Pettry, Jr.  
Deceased,

Plaintiff,

vs.

HILMA L. BULLEN,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Filed this 29th day of November,  
1954.

*Ansley J. Stone*  
Clerk

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

EXECUTED

This 22 day of Dec., 1954

by serving a copy of the within on

*Hilma L. Bullen*

W. H. HOLCOMBE, Sheriff

By W. H. Longworth, Sec.

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 Hilma L. Bullen 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 John C. Pettry, as Administrator of the Estate of John C. Pettry, Jr., Deceased.

Witness my hand this 11th day of October, 1954.

*W. J. L. L. L.*  
Clerk.

JOHN C. PETTRY, As Adminis-  
trator of the Estate of John  
C. Pettry, Jr., Deceased,

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Plaintiff,

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IN THE CIRCUIT COURT OF

vs.

I

BALDWIN COUNTY, ALABAMA

HILMA L. BULLEN,

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AT LAW.

Defendant.

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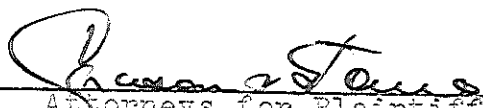
COUNT ONE:

The Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that on, to-wit, the 10th day of September, 1954, at about 6:30 o'clock p.m., the Defendant, Hilma L. Bullen, so negligently operated a motor vehicle on Alabama Highway #39, at a point approximately 4.2 miles west of the western city limits of Foley, Alabama, in Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the Plaintiff's intestate, John C. Pettry, Jr., a Minor, about five years and ten months of age, who was then and there walking across said highway from the north side thereof to the south side thereof, which said Minor had reached or almost reached the south side of the paved portion of the highway at the time he was struck by the motor vehicle which was then and there being driven by the Defendant

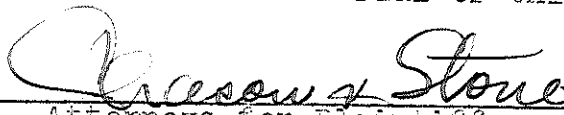
and as a proximate result of Defendant's negligence Plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that on, to-wit, the 10th day of September, 1954, at about 6:30 o'clock p.m., the Defendant, Hilma L. Bullen, willfully or wantonly injured Plaintiff's intestate, John C. Pettry, Jr., a minor child about five years and ten months of age by willfully or wantonly driving a motor vehicle into, upon or against the Plaintiff's intestate at a point approximately 4.2 miles west of the western city limits of Foley, Alabama, on Alabama Highway #89, while the said John C. Pettry, Jr., was at said time and place walking from the north side of the paved portion of said highway to the south side thereof and when he had reached a point on or near the south side of the paved portion of the said highway and as a proximate result of the willful or wanton negligence of the Defendant the Plaintiff's intestate suffered injuries from which he died, wherefore the Plaintiff brings this suit and asks judgment in the above amount.

  
Attorneys for Plaintiff

Plaintiff demands a trial of this cause by jury.

  
Attorneys for Plaintiff.

FILED

OCT. 11, 1954

ALICE J. DUCK, Clerk

BOOK 003 PAGE 158

Wm 2403  
130  
SUMMONS AND COMPLAINT

JOHN C. PETTRY, as Administrator  
of the Estate of John C. Pettry,  
Jr., Deceased,

Plaintiff,

HILMA L. BULLER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Filed the 11th day of Oct  
1954.

Clerk.

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

EXECUTED  
day of Oct, 1954  
This is a copy of the within on  
by W. H. HOLCOMBE, Sheriff  
Baldwin County, Ala.  
W. H. HOLCOMBE, Sheriff  
BALDWIN COUNTY, ALA.



JOHN C. PETTRY, as Adminis-  
trator of the Estate of  
John C. Pettry, Jr., deceased,

Plaintiff,

vs.

HILMA L. BULLEN,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes now the Defendant and demurs, separately and severally to Counts One and Two of the Complaint herein, on the following separate and several grounds:

1: Because the allegations thereof fail to state a cause of action against the Defendant.

2: Because the allegations thereof fail to charge a violation of any duty owed by the Defendant to the Plaintiff.

3: Because it does not appear from the allegations of said count that the accident complained of occurred on a public highway.

For further ground of demurrer to Count Two of the complaint, the Defendant separately and severally assigns the following:

4: It does not appear that the alleged injury was the proximate result of the willful or wanton act and injury of the Defendant.

5: The averments in said count characterize the act rather than the injury.

FILED

11-12-54

ALICE I. BUCK, Clerk

*A. R. Calley Jr.*

ATTORNEY FOR DEFENDANT

JOHN C. PETTRY, as  
Administrator of the  
Estate of John C.  
Pettry, Jr., deceased,

Plaintiff,

VS.

HILMA L. BULLEN,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW - No.

Comes now the Defendant, Hilma L. Bullen,  
and for answer to the complaint herein, and each count  
thereof, separately and severally, pleads:

1: Not Guilty.

W R. Coley Jr -  
ATTORNEY FOR DEFENDANT

I hereby certify that a copy of the foregoing answer was served upon the Honorable John Chason, Attorney for the Plaintiff, by placing the same in the United States Mail, addressed to him at Bay Minette, Alabama, on this 26th day of January, 1955.

11111

Jan 29, 1955

W R. Colyer Jr.  
ATTORNEY FOR DEFENDANT

ALICE L. GIBSON, Clerk

SYDNEY S. PFLEGER  
CHRIS C. DELANEY

LAW OFFICES OF  
D. R. COLEY, JR.  
302-6 FIRST FEDERAL SAVINGS BUILDING  
106 ST. JOSEPH STREET  
MOBILE, ALABAMA

January 26, 1955

Mrs. Alice Duck,  
Clerk, Circuit Court,  
Baldwin County,  
Bay Minette, Alabama.

Dear Mr. Duck:

I am enclosing herewith answer  
to the bill of complaint in the case of Pettry  
vs. Bullen, and will appreciate your filing it  
for me.

Very truly yours,

*D. R. Coley, Jr.*  
D. R. Coley, Jr.

C/D

Registered Mail  
Return Receipt Requested

LAW OFFICES OF  
D. R. COLEY, JR.  
302-6 FIRST FEDERAL SAVINGS BUILDING  
106 ST. JOSEPH STREET  
MOBILE, ALABAMA

SYDNEY S. PFLEGER  
CHRIS C. DELANEY

January 28, 1955

Mrs. Alice Duck,  
Clerk, Circuit Court,  
Baldwin County,  
Bay Minette, Alabama.

Dear Mrs. Duck:

I will appreciate it if you will file for me the enclosed answers to interrogatories propounded to the Defendant by the Plaintiff in the case of John C. Pettry, as Administrator of the Estate of John C. Pettry, Jr., deceased, against Hilma L. Bullen, in the Circuit Court of Baldwin County, Alabama, At Law.

Very truly yours,

  
D.R. Coley, Jr.

C/D

LAW OFFICES OF  
D. R. COLEY, JR.

302-6 FIRST FEDERAL SAVINGS BUILDING

106 ST. JOSEPH STREET

MOBILE, ALABAMA

SYDNEY S. PFLEGER  
CHRIS C. DELANEY

November 6, 1954

Mrs. Alice S. Duck,  
Clerk, Circuit Court,  
Baldwin County,  
Bay Minette, Alabama.

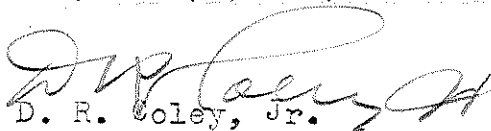
Dear Mrs. Duck:

I am enclosing herewith demurrers to the  
complaint filed in the matter of John C. Pettry,  
as Administrator of the Estate of John C. Pettry,  
Jr., vs. Hilma L. Bullen.

I will appreciate it if you will file  
this for me, and advise me when it is set down for  
hearing.

With kind personal regards, I am

Very truly yours,

  
D. R. Coley, Jr.

C/D

JOHN C. PETTRY, as Adminis-  
trator of the Estate of  
John C. Pettry, Jr., deceased,

Plaintiff,

vs.

HILMA L. BULLEN,

Defendant.

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA.  
)

) AT LAW.  
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Now comes the Defendant, and for answer to  
the interrogatories heretofore herein propounded to her by  
the Plaintiff, says:

1: Hilma Adeline (Littlegreen) Bullen,  
61 years of age, 106 So. Monterey Street, Mobile, Alabama.

(a) Yes.

(b) Yes.

2: Yes.

(a) Yes.

(b) James E. Bullen, Jr.

(c) Yes.

(d) Almostly weekly.

(e) There are some dwelling houses and  
places of business within the area, but I do not know the  
exact distances.

3: At the time that the automobile which I was  
driving struck John C. Pettry, Jr., he was on the black-top  
surface of the highway in front of my car in the center of the  
righthand side moving Southeastwardly.

(a) The little boy was South of the center  
line of the highway at the time that he was struck by my  
automobile.

(b) He was several feet South of the center  
line of the highway at the time that the automobile struck  
him, as I remember it.

(c) When I first saw John C. Pettry, Jr., he  
was near the center of the black-top surface of the highway.

(d) When I first saw John C. Pettry, Jr., he was running apparently in a diagonal direction from the North side of the highway to the South side. I would say he was moving in a Southeastwardly direction.

(e) The accident happened very quickly. I saw the little boy running on the highway, and he continued in the same direction in which he was moving into the path of my automobile.

(f) As soon as I saw the little boy on the highway, I applied my brakes and did all that I could to avoid striking him. The car struck him and he fell to the pavement. It did not drag him.

(g) Answered above.

4: My automobile lights were on at the time of the accident.

(a) I do not know for what distance the highway is straight, but it is for a considerable distance.

(b) As I have answered above, when I saw the little boy on the highway, I immediately applied my brakes and the brakes had become effective before the automobile struck the little boy, but I could not avoid striking him.

(c) As I have answered above, the accident happened very quickly. I applied my brakes, but I did not have sufficient time to blow my horn or give any other warning of the approaching automobile. The child was running so fast that no warning or anything else I could have done would have helped.

(d) I do not know whether my tires made any skid marks on the pavement between the time that I first saw John C. Pettry, Jr., and the time that the automobile struck him. I was driving at a very moderate rate of speed. The pavement was not slippery, and my brakes and tires were in good condition, and the car probably stopped without skidding.

(e) The car which I was driving travelled a very few feet from the time it struck John C. Pettry, Jr., until it came to a complete stop.

(f) When I came to a stop, the body of the little boy was underneath my car.

(g) There was no other automobile moving in either direction on the highway at the time that the accident occurred, or for several minutes afterwards.

(h) Answered above.

5: Immediately after the accident, I jumped out of my car and I endeavored to do all that I could and remained at the scene of the accident for over an hour.

(a) I did see some person, whom I presumed to be a doctor, examine the body of the little boy before he was moved from where his body came to rest after the accident.

(b) I do not know the name and address of the person who examined the body of the little boy.

(c) The little boy was taken away from the scene of the accident in an ambulance. I do not know whether he was dead or not.

*Hilma L. Bullen*  
*Hilma A. Bullen*

DEFENDANT.

STATE OF ALABAMA, )

COUNTY OF MOBILE. )

Before me, the undersigned authority, personally appeared this day Hilma L. Bullen, who, being by me first duly sworn, deposes and says that she has read the foregoing answers to interrogatories propounded to her by the Plaintiff, and that the statements contained therein are true and correct, to the best of her knowledge, information and belief.

*Hilma L. Bullen*  
*Hilma A. Bullen*

Subscribed and sworn to before me  
this 27 day of January, 1955.

*H. P. Dudley*  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.