

C. Earl Hulburd

Documents Relating to His Death

Compiled by Grandson Ted Hine – August, 2004

The following documents relating to the February 2, 1952 death of C. Earl Hulburd were found among the possessions of his daughter Betty Hulburd-Hine-Alderson. The letter dated February 9, 1952 describes the circumstances and cause of his death.

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Telegram From Ernest Hulburd - February 3, 1952

This telegram suggests that C. Earl Hulburd's uncle, Ernest A. Hulburd, planned to attend his nephew's funeral service in Moberly, MO. Also that daughter Betty Hulburd-Hine-Alderson was likely in route from New Jersey to stay with friend Ahden Knight-Hampton in St. Louis.

CLASS OF SERVICE
This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION
1201
W. P. MARSHALL, PRESIDENT

SYMBOLS
DL=Day Letter
NL=Night Letter
LT=Int'l Letter Telegram
VLT=Int'l Victory Ltr.

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

•SA32 LA409

1952 FEB 3 PM 11 52

L•PFA784 PD=PHOENIX ARIZ 2 955P= **DUPLICATE OF TELEPHONE TELEGRAM**

:MR AND MRS KIRT HINE=
CARE DR STANLEY HAMPTON 93 LAKE FOREST STL=
ARRIVING MOBERLY MISSOURI MERCHANTS HOTEL MONDAY MORNING
STOP TRAIN DUE NINE THIRTY=
ERNEST & ALICE HULBURD=

H.L. 5142
2/3
Mr Hampton
Med (ch)

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

AFTER 10 DAYS RETURN TO
THE WESTERN UNION TELEGRAPH CO.
900 CHESTNUT ST.
ST. LOUIS 1, MO.

St. L. 17
address
address

SAINT LOUIS, MO.
FEB 3 8-PM
1952

BUY U.S. SAVINGS BONDS
ASK YOUR POSTMAN

UNITED STATES POSTAGE
THOMAS EDISON
3 CENTS 3

Richmond Heights mo,

*trans
Xmas*

JACOB MARK LASHLY
ARTHUR V. LASHLY
OLIVER J. MILLER

LASHLY, LASHLY & MILLER
LAWYERS
705 OLIVE STREET
SAINT LOUIS

MAIN 2939

ISRAEL TREIMAN
RALPH C. LASHLY
PAUL W. LASHLY
JOHN H. LASHLY
PAUL B. RAVA
JOHN B. SHARPE
ELIHU M. HYNDMAN
THOMAS G. RUTLEDGE

February 9, 1952

Mr. and Mrs. Kirtland Hine
427 Mountain Road
North Caldwell, New Jersey

Dear Betty and Kirt:

We are now beginning our communications by mail rather than the daily telephone conversations of last week. After you telephoned me Friday morning, describing to me your father's clothes, I got in touch with Mr. Doelling immediately. It seemed that we may have the possibility of an accidental death and I did not want the car moved until we could investigate the situation of the tree, the roots and the sidewalk. Mr. Doelling, of course, agreed.

Later in the morning I went to the Coroner's office and examined the transcript of the proceedings at the inquest which was held on Monday morning, February 4. In order that you may now know the facts concerning your father's death, in so far as they are reported in this official investigation, I will summarize the testimony:

Police Report - At about 9:05 a.m. on February 2 the patrol car was directed to 5067 Washington to investigate "a serious sick case." Upon arrival the officers found your father on the sidewalk in front of 5067 Washington, bleeding about the back of the head. The police report then contains the following, which I quote: "Earl Hulburd stated to the officers that he was walking down the sidewalk when he suddenly blacked out and fell to the sidewalk, striking the back of his head on same. Sidewalk of concrete construction."

The Police Report continues to the effect that he was taken to the City Hospital and upon arrival examined by Dr. Charles Pruitt, and pronounced dead on arrival at 9:40 a.m. Upon later examination by the Coroner no marks of violence were found.

The Police Report states that Marie Hoffman observed your father sitting upon the sidewalk and upon investigation of his condition called the Police Department. Anna Belle Vaughn stated she observed your father fall and strike his head on the sidewalk. Keithly Perkins corroborated Anna Belle

From Attorney - February 9, 1952 - Page 2

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February 9, 1952

Vaughn's statement. The Police Report contained a list of the personal property which your father had in his possession, and which I understand you have now recovered.

Testimony of Patrolman Patrick McCord - He testified that when he arrived he noticed your father had a small cut in the back of his head. The sidewalk was in good condition. He did not know whether your father had been under the care of a doctor.

Testimony of Marie Hoffman - She stated that she had known your father for 8 years. That he had been under the care of a doctor since a heart attack about 2 years ago. She did not see him fall, but that she went to him afterwards. She did not know whether he suffered blackouts or dizzy spells.

Testimony of Anna Belle Vaughn - She did not see your father fall, but saw him right after that, and talked to him, but he did not answer her.

Post Mortem Examination - This examination was performed by Dr. John J. Connor. He found that your father's physical condition was negative except for the following matters:

External appearance:	Laceration of scalp mid-occipital region (back of his head)
Heart:	Marked hypertrophy of myocardium
Arteries:	Arteriosclerosis of both coronaries, with occlusion of left
Cause of death:	1 - Coronary occlusion 2 - Coronary sclerosis

Coroner's Verdict - The result of the inquest after considering the testimony of these witnesses and the post mortem examination resulted in the Coroner's verdict being that the cause of death was "1 - Coronary occlusion. 2 - Coronary sclerosis."

These findings indicated that whatever position we could take in connection with the accident insurance policies would not involve the automobile. Your father's statement and the testimony of all of the witnesses indicate that he had moved away from the automobile and the tree and the roots before he fell. Consequently I notified Mr. Doelling later in the afternoon that he could have the car taken off the street, which

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February 9, 1952

he planned to do on Friday evening.

As far as a claim under the accident policy for death resulting from external and violent means wholly independent of other causes, we do not have a very strong case. The Coroner's post mortem examination does not refer to the head injury in any way as contributing to his death, and your father's statement to the police officer seems to indicate that he had a heart attack before he fell. Both his statement and the Coroner's report would be admissible in evidence in the event of a suit upon the policy. Furthermore, I have discussed the medical aspects of this problem with our personal family physician, and he feels from the medical point of view it would be extremely difficult and in fact impossible to have medical testimony to the effect that the fall and laceration of the scalp caused the death. The Coroner did not find any injury other than a superficial head wound. I have not ruled out the possibility of filing a claim on the accident policy, but I do feel that there is a strong possibility that such claim would be disallowed.

I telephoned Mrs. Hoffman this morning, and she informed me that the trunks and the chair have been removed from your father's room, and that everything is settled there. I gave her my name and telephone number in case she wanted to talk to me. She also told me that arrangements had been made for forwarding any mail to Mr. Doelling, which is the proper procedure.

This is, unhappily, an unpleasant letter, but I know that you will have some sense of relief in knowing finally the facts concerning your father's death. This seems to be an accurate record of what happened. Mr. Doelling and I will pursue the matter of distribution of the automobile as rapidly as possible, and as you know, the formal inventory of the safe deposit box will be taken on February 19, unless we feel it necessary to examine the insurance policies further before that date.

I am enclosing a copy of this letter which you can mail to Harriet if you should decide that is the easier way to acquaint her with these facts. I will keep you posted of the developments here, and if there is anything at all you want, or feel doubtful about, do not hesitate to get in touch with me. I hope that the chicken pox problem is not too severe, and that it is running through the family on schedule.

Sincerely,

Elie

From Harriet Hulburd-Erstein-Nalley - February 1952

MRS. BENEDICT ERSTEIN
30 BEEKMAN PLACE
NEW YORK 22, N. Y.

Dear Sue:

It just occurred to me that now that the question of accident has come up, there may be an increase in the Emerson policy to cover same. So, I suggest that you sign no receipts, releases; deposit no checks, etc., until we are positive one way or another.

Just sent Dad's Emerson button to Mr. Geers and thanked him briefly for having been so swell to Dad.

Wrote Ellie 3 hours ago. It's in the mail.

DON'T FORGET VALENTINES FOR THE KIDS.

Love,

Mother

Saturday

Many policies cover, double indemnity for accidents - this one way, also -

JACOB MARK LASHLY
ARTHUR V. LASHLY
OLIVER J. MILLER

LASHLY, LASHLY & MILLER
LAWYERS

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THOMAS G. RUTLEDGE

February 11, 1952

AIR MAIL

Mrs. Benedict Erstein
30 Beekman Place
New York 22, New York

Dear Harriet:

Yesterday being Sunday I received your air mail special delivery letter. By this time you no doubt have received a copy of the letter which I wrote Saturday and addressed to Betty and Kirt; that letter reporting the coroner's inquest should answer many of the questions you raised in your letter to me.

The difficulty with any claim on the accident policies is that there is no evidence that your father fell and suffered a head injury before the heart attack. The coroner's inquest did not reveal any injury to the skull or brain. The cut on the scalp was the only evidence of injury.

As you now know an inquest was held last Monday and I presume that the death certificate was signed as being pending until such time as the formal transcript of the coroner's inquest had been prepared. At any rate that fact is immaterial in relation to any claim on the insurance policies.

I understand from your letter that you did not take Stanley's suggestion that you sue the city too seriously, and again we would have to establish that the sidewalk was defective and had been improperly maintained. We would also have to establish the city's negligence caused your father to fall and that the injury resulting from the fall caused his death. This is the same general problem we would have on the accident policies, and we would be faced by the coroner's medical examination which reveals the cause of death to have been from the heart attack.

Mrs. Erstein

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Feb. 11, 1952

There is always a fine line in these cases as to which came first, the fall or the heart attack. Your father's statement seems to indicate that he suffered a heart attack first growing dizzy, blacking out and either falling or sitting upon the sidewalk. If the coroner's report had indicated an injury to the skull or brain the facts would be different and would be more feasible to argue that he fell sustaining a serious injury and that that injury or concussion caused the heart attack.

As I told Betty, I have not ruled out the possibility of a claim on the insurance policies, but it will be necessary to find some medical theory to substantiate any such claim. When Stanley returns to St. Louis I will discuss this matter with him.

If you like I can send you a copy of the transcript of the coroner's inquest. However, I believe my summary of the testimony contained in my letter to Betty should be sufficient.

I appreciate the fact that you all are deeply concerned over this accident and that we make whatever recovery we can. I will continue to investigate the facts and the surrounding circumstances and, of course, keep you advised.

Yours very truly,

Elie

ELIHU M. HYNIMAN

EMH.f.d

P.S. I have just telephoned Mr. Shepard and he informs me that he has sent the death certificates to Mr. Doelling and that he had not examined the clothing and personal property which he delivered to you last Tuesday. He knew nothing of the condition of the clothing until I told him this morning. WMH

Elie.

Dear Betty & Kurt.

After your conversations with Stanley on the train Daniel wrote me the current thoughts about an accident. I think my letter to you will be helpful to her. I hope the trip back went smoothly and not too much to the dogs. *Elie.*

From Attorney – February 23, 1952 – Page 1

JACOB MARK LASHLY
ARTHUR V. LASHLY
OLIVER J. MILLER

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February 23, 1952

Mr. and Mrs. E. K. Hein
427 Mountain Avenue
North Caldwell, New Jersey

Dear Betty and Kirt:

On Tuesday, the 19th, Mr. Doelling, Mike Rumsey, and *me and* three appraisers appointed by the bank, made the formal inventory of your father's safe deposit box at the Easton-Taylor Trust Company. You are familiar, I believe, with the contents of that box, and I imagine the executor will send you a copy of the inventory. If not, I can do so. Series E bonds in the total amount of \$500 were in the envelopes, one set of them to you and one to Harriet.

I have received the life and accident insurance policies from Mr. Doelling. Today I forwarded the life policy in the amount of \$5,000 to Emerson Electric so that they may start the process of collecting the proceeds. You should expect that within the next few weeks.

The automobile is in storage at the Portland Garage. When the Probate Court is again in session on March 3, Mr. Doelling will make arrangements to pay off the mortgage and obtain an order of partial distribution of this automobile to you. He told me on Tuesday that the escrow arrangement which Kirt discussed with me on the telephone could be arranged. I suggest that Kirt write Mr. Doelling directly, or through me if he prefers, explaining in detail the contemplated arrangement with your bank. In particular, give us the number of shares and name, of course, of the stocks which will be held as collateral. I think it would be wise to have this information in Mr. Doelling's hand prior to March 3. Doelling suggested that you arrange for what is known as a refunding bond, and I told him that the escrow arrangements with the bank will be cheaper, for the reason that the bank will make no charge for its services. In your letter to Mr. Doelling, please give him the facts as to the charges of your bank, if any.

As soon as the car is available for transportation east

From Attorney – February 23, 1952 – Page 2

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February 23, 1952

I hope we will be able to arrange for a suitable driver, and, as you know, I have one definitely in mind.

If you want any other facts, figures or information, be sure to let me know any time.

Sincerely,

Eli

cc: Mrs. Benedict Erstine

From Emerson Electric Co. - February 29, 1952

THE EMERSON ELECTRIC MFG. CO.

8100 FLORISSANT AVENUE

ST. LOUIS 21, MO.

February 29, 1952

Mrs. Betty H. Hine
427 Mountain Avenue
North Caldwell, N. J.

Dear Mrs. Hine:

We again wish to express our sympathy to you in the loss of your father, C. Earl Hulburd.

As a result of his kind consideration and forethought, we are able to enclose a check in the amount of \$5,000.00 payable to you. This is the amount of life insurance he carried while here and you were named the beneficiary.

In the event there is anything in which we may be of service, please let us know.

Very truly yours,

THE EMERSON ELECTRIC MFG. CO.

Josephine Pope

Josephine Pope,
Insurance Division

jp
enc.

Note: Will you please sign the attached receipt and return in the enclosed self-addressed envelope? Thank you.

From Trust Company – June 12, 1953

MERCANTILE TRUST COMPANY

CAPITAL AND SURPLUS \$35,000,000

SAINT LOUIS 1, MO.

June 12, 1953

Mr. E. K. Hine
427 Mountain Avenue
North Caldwell,
New Jersey

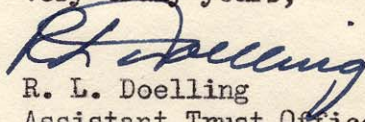
Estate of C. EARL HULBURD
Deceased #7592

Dear Mr. Hine:

Enclosed is a check to the order of yourself for the use of Edward K. Hine Jr., Gregory Hine and Henry B. Hine for \$338.05 together with the original and two copies of a receipt for this payment. Will you please sign the original and one copy of this receipt and return them to us in the enclosed self-addressed stamped envelope.

Also enclosed is a check to the order of Mrs. Hine for \$1,521.23 together with the original and two copies of a receipt for this payment. Will you please obtain her signature on the original and one copy of this receipt and return them to us along with the copy of your receipt.

Very truly yours,


R. L. Doelling
Assistant Trust Officer

RLD/jm
encs.