

GEORGE ENGLISH BARNES, as
father and next friend of
GEORGE ENGLISH BARNES, JR.,

Plaintiff

vs

JESSIE LEE PEOPLES and
QUINON GIVENS, jointly
and individually,

Defendants.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) AT LAW.
) NO.

3431

NOTICE OF TAKING OF DEPOSITION UPON ORAL EXAMINATION

TO: HONORABLE TELFAIR J. MASHBURN, JR.
Attorney at Law
Bay Minette, Alabama

Please take notice that at 3:00 o'clock P. M. Eastern
Standard Time, on Friday, the 30th day of January, 1959, in
the law office of Messrs. Conger & Conger, Lawyers, 122 West
Water Street, Bainbridge, Georgia, George English Barnes,
as father and next friend of George English Barnes, Jr., Plaintiff
in the above styled cause, will take the deposition of J. T.
Jackson, whose address is P. O. Box 302 West Bainbridge,
Georgia, upon oral examination pursuant to an Act of the
Legislature of the State of Alabama, designated as Act No.
375, Regular Session, 1955, approved September 8th, 1955,
before Louise J. Dusenbury, a Notary
Public, who is duly authorized to take depositions and swear
witnesses, or before such other person who is duly authorized
to take depositions and swear witnesses. The examination
will continue from day to day until completed. You are
invited to have counsel attend and cross-examine the witness,
if desired.

Howell, Johnston & Langford
C. B. Blackburn
ATTORNEYS FOR PLAINTIFF

I, IRVIN J. LANGFORD, one of the Attorneys for GEORGE ENGLISH BARNES, as father and next friend of GEORGE ENGLISH BARNES, JR., Plaintiff in the above entitled cause, do hereby certify that I served the above and foregoing notice to take the deposition of J. T. Jackson, upon oral examination by leaving the same with the Honorable Telfair J. Mashburn, Jr. one of the Attorneys of Record for the Defendant in said cause, at his law office, Bay Minette, Alabama on the 15th day of January, 1959.



ATTORNEY FOR PLAINTIFF

GEORGE ENGLISH BARNES, as	)	IN THE CIRCUIT COURT OF
father and next friend of)	
GEORGE ENGLISH BARNES, JR.,	)	BALDWIN COUNTY,
)	
Plaintiff,	)	ALABAMA
)	
vs.	)	AT LAW
)	
JESSIE LEE PEOPLE and)	
QUINON GIVENS, jointly and	)	NO.
individually,)	
)	
Defendants.)	

Now comes the Plaintiff in the above styled cause, and amends the complaint heretofore filed in said cause so as to cause same to read as follows:

GEORGE ENGLISH BARNES, as	)	IN THE CIRCUIT COURT OF
father and next friend of)	
GEORGE ENGLISH BARNES, JR.,	)	BALDWIN COUNTY,
)	
Plaintiff,	)	ALABAMA
)	
vs.	)	AT LAW
)	
JESSIE LEE PEOPLES and)	
QUINON GIVENS, jointly and	)	NO.
individually,)	
)	
Defendants.)	

COUNT ONE

Plaintiff claim of the Defendants, the sum of One Hundred Thousand and 00/100 (\$100,000.00) Dollars as damages for that heretofore and on, to-wit, the 8th day of July, 1957, the Defendant, Jessie Lee Peoples, while acting within the line and scope of his employment as agent, servant or employee of the Defendant, Quinon Givens, so negligently operated a motor vehicle Westwardly on U. S. Highway 90, a public highway in Baldwin County, Alabama, at a point approximately 1,800 feet West of the Seminole Fire Tower, so as to cause or allow said vehicle to collide with the vehicle driven by Plaintiff's son, George English Barnes, Jr.,

who was seventeen years of age, which said vehicle was then and there being operated by said George English Barnes, Jr., in a Eastwardly direction on said U. S. Highway 90 at said time and place, and as a direct and proximate result of the negligence of the Defendant, Jessie Lee Peoples, while acting within the line and scope of his employment as agent, servant or employee of the Defendant, Quinon Givens, as aforesaid, Plaintiff's minor son suffered injuries from which he died, hence this suit.

COUNT TWO

Plaintiff claims of the Defendants the sum of One Hundred Thousand and 00/100 (\$100,000.00) Dollars, as damages for that heretofore and on, to-wit, the 8th day of July, 1957, the Defendant, Jessie Lee Peoples, while acting within the line and scope of his employment as agent, servant or employee of the Defendant, Quinon Givens, wantonly killed the Plaintiff's son, George English Barnes, Jr., a minor seventeen years of age, by so wantonly operating a motor vehicle Westwardly on U. S. Highway 90, a public highway in Baldwin County, Alabama, so as to cause or allow such vehicle to collide with the vehicle driven by the said George English Barnes, Jr., which said vehicle was then and there being operated in a Eastwardly direction on said U. S. Highway 90 at said time and place, and as a direct and proximate result of the wantonness of the Defendant, Jessie Lee Peoples, while acting within the line and scope of his employment as agent, servant or employee of the Defendant, Quinon Givens, as aforesaid, the Plaintiff's minor son suffered injuries from which he died.

FILED
MAR 10 1958
CLERK

J. T. Blackburn

Howell & Johnson
ATTORNEYS FOR PLAINTIFF

Defendants Attorney of Record:

Telfair J. Mashburn, Jr.

Plaintiff demands a trial of this cause
by jury.

J. B. Blashburn
H. Howell & Johnson
Attorneys for plaintiff

Filed Mar. 10, 1958
Alice J. Clark, clerk

FILED
MAR 11 1958
CLERK

RECEIVED
MAR 11 1958
CLERK

RECEIVED
MAR 11 1958
CLERK


STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JESSIE LEE PEOPLE and QUINON GIVENS, 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 GEORGE ENGLISH BARNES, as father and next friend of GEORGE ENGLISH BARNES, JR.

WITNESS my hand this 19 day of December, 1957.


Clerk.

Defendant Jessie Lee People
resides at:

Route One
Elberta, Alabama

Defendant Quinon Givens
resides at :

Robertsdale, Alabama.

GEORGE ENGLISH BARNES, as	)	IN THE CIRCUIT COURT
father and next friend of		
GEORGE ENGLISH BARNES, JR.,	(	OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs	(	AT LAW
JESSIE LEE PEOPLES and	)	NO:
QUINON GIVENS, jointly		
and individually,	(
Defendants.)	

COUNT ONE

Plaintiff claims of the Defendants, the sum of One Hundred Thousand and 00/100 (\$100,000.00) Dollars as damages for that heretofore and on, to-wit, the 8th day of July, 1957, the Defendant Jessie Lee People, while acting within the line and scope of his employment as agent, servant or employee of the defendant Quinon Givens, so negligently operated a motor vehicle Southwardly on U. S. Highway 90, a public highway in Baldwin County, Alabama, at a point approximately 1,800 feet' west of the Seminole Fire Tower, so as to cause or allow said vehicle to collide with the vehicle driven by Plaintiff's son, George English Barnes, Jr., who was seventeen years of age, which said vehicle was then and there being operated by said George English Barnes, Jr. in a Northwardly direction on said U. S. Highway 90 at said time and place, and as a direct and proximate result of the negligence of the defendant, Jessie Lee People, while acting within the line and scope of his employment, as agent, servant, or employee of the defendant, Quinon Givens, as aforesaid, Plaintiff's minor son suffered injuries from which he died, hence this suit.

COUNT TWO

Plaintiff claims of the Defendants the sum of One

Hundred Thousand and 00/100 (\$100,000.00) Dollars, as damages for that heretofore and on, to-wit, the 8th day of July, 1957, the Defendant Jessie Lee People, while acting within the line and scope of his employment as agent, servant or employee of the Defendant Quinon Givens, wantonly killed the Plaintiff's son, George English Barnes, Jr., a minor seventeen years of age, by so wantonly operating a motor vehicle Southwardly on U. S. Highway 90, a public highway in Baldwin County, Alabama, so as to cause or allow such vehicle to collide with the vehicle driven by the said George English Barnes, Jr., which said vehicle was then and there being operated in a Northwardly direction on said U. S. Highway 90 at said time and place, and as a direct and proximate result of the wantonness of the defendant, Jessie Lee People, while acting within the line and scope of his employment as agent, servant, or employee, of the Defendant Quinon Givens, as aforesaid, the Plaintiff's minor son suffered injuries from which he died.

Filed Dec. 19, 1957
Alice J. Luck, Clerk

Executed Jan. 10-11, 1959
Taylor Wilkins
shirley

J. T. Blackburn
Mowery & Johnston
ATTORNEYS FOR PLAINTIFF

Defendant Jessie Lee People
resides at:

Route One
Elberta, Alabama

Defendant Quinon Givens
resides at:

Robertsdale, Alabama

Plaintiff respectfully requests a trial by jury.

J. T. Blackburn
Mowery & Johnston
ATTORNEYS FOR PLAINTIFF

SUMMONS AND COMPLAINT

GEORGE ENGLISH BARNES, as
father and next friend of
GEORGE ENGLISH BARNES, JR.,

Plaintiff,

vs.

JESSIE LEE PEOPLE and QUINON
GIVENS, jointly and
individually,

Defendants,

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

FILED
DEC 19 1957
ALICE J. MUCK, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Received 19 day of Dec. 1952
and on 18-19 day of Jan 1952
I served a copy of the within 3/c
on Jessie Lee People & Quinon
By service on Quinon & People 11-52
TAYLOR WILKINS, Sheriff
By E. English, Sheriff

Sheriff claims 198 miles at
Ten Cents per mile Total \$ 19.22
TAYLOR WILKINS, Sheriff
By E. English
DEPUTY SHERIFF

GEORGE ENGLISH BARNES, as
Father and Next Friend of
GEORGE ENGLISH BARNES, JR.,

Plaintiff,

VS.

JESSIE LEE PEOPLES and
QUINON GIVENS, jointly and
individually,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 3431

Come now JESSIE LEE PEOPLES AND QUINON GIVENS, defendants
in the above styled cause, and, for answer to the complaint
heretofore filed in this cause and to each and every count
thereof, separately and severally, set down and assign the fol-
lowing separate and several pleas, viz:

1.

That they are Not Guilty.

2.

That on the occasion complained of, plaintiff's intestate
was himself guilty of negligence which proximately contributed
to his alleged injuries and damages, in this, that he so negli-
gently operated an automobile truck, which he was then and there
driving, as to cause, permit or allow the same to run into, upon
or against the automobile truck which was then and there being
driven by the defendant, JESSIE LEE PEOPLES; Hence the plaintiff
ought not to recover in this suit.

3.

That on the occasion complained of in the complaint, the
plaintiff's intestate was himself guilty of wanton negligence
which proximately contributed to his alleged injuries and damages,
in this, that he wantonly operated an automobile truck, which he
was then and there driving, and wantonly permitted or allowed the
same to run into, upon or against the automobile truck which was
then and there being driven by the defendant, JESSIE LEE PEOPLES;
hence the plaintiff ought not to recover in this suit.

Filed Jan. 27, 1958

Refiled 3-9-59

Alice J. Luck, Clerk

Julius A. Madaleno
ATTORNEY FOR DEFENDANTS.