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STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY

June 24, 1935

Mr. Robert S. Duck, Clerk  
Circuit Court  
Bay Minette, Alabama.

Dear Sir:

In Re: James E. DeVeine, a Minor suing by  
his next friend, H. C. DeVINE.

vs.

Northrup, King & Company, a foreign  
corporation, Minneapolis, Minn.

In the Circuit Court of Baldwin  
County, Alabama.

Enclosed herewith find copy of notice which together  
with copy of summons and complaint was sent to Northrup, King & Company,  
Minneapolis, Minn, by registered mail, return receipt requested.

Yours very truly,

Howell Turner,  
Secretary of State.

HT:M  
Copy to:  
Hybart & Chason,  
Bay Minette, Alabama.

P. S. I am also enclosing herewith the original summons and complaint in  
the above styled cause.

H. T.



STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY

June 24, 1935

James H. DeVine, a Minor suing by  
his next friend, H. C. DeVine, Plaintiff

vs.

Northrup, King & Company, a foreign  
corporation, Minneapolis, Minn. Defendant

In the Circuit Court  
of

Baldwin County, Alabama

Northrup, King & Company,  
Minneapolis, Minn.

You are hereby given notice under Act. No. 32 of the  
General Laws of Alabama that enclosed summons and complaint was served on me  
in above styled cause, as Secretary of State, of the State of Alabama.

*H. M. Turner*

Secretary of State

# Circuit Court, Baldwin County

*James H. ...*  
*James H. ...*

PLAINTIFF

VS.

*... vs ...*

DEFENDANT

BILL OF COST

CLERK'S FEES	Dollars	Cts.	AMOUNT BROUGHT FORWARD	\$	Cts.
Issuing Summons and Complaint	\$1	25	Transcript to Supreme Court, 15c per hundred words	5	75
Copies of same, when over 200 words, 15c per 100		30	Copies, 5c per hundred words		
Issuing Alias Summons and Complaint	1	25	Citation to Appellee in Appeal, 20c per hundred words		
Entering Sheriff's Return on Summons and Complaint		20	Certificate with Seal, 50c. Without Seal	25	
Docketing Cause 25c. Ent. Appearance, 20c		45	Witness Certificate	25	
Subpoena for Witness		30	Taking Bond Not Above Mentioned	75	
Making Certificate of Judgment		50	Entering Order of Court not above named	30	
Filing		10	Administering Oath	25	
Trial and Incidents		75	Taking Bond for Costs of Non-Resident Plaintiff	75	
Entering Judgment, or copy of same		30	Copy of any paper not above named, 15c per hundred words		
Order for Continuance		10	Filing Writ of Prohibition and Entering Return	15	
Issuing Execution		50	Issuing Writ of Prohibition	75	
Docketing Execution		25	Issuing copies of same, 15c per 100 words		
Issuing copy of same		50	Filing Mandamus and Entering Return	15	
Entering Sheriff's Return on Execution, 15c per hundred words		20	Issuing Writ of Mandamus	75	
Final Record, 15c per hundred words		30	Issuing copies of same, 15c per 100 words		
Order for Alias Summons and Complaint		30	<b>Total Clerk's Fees</b>		
Order to Dismiss Cause		30	<b>SHERIFF'S FEES</b>		
Order to Set Aside Dismissal		30	Serving and Returning Summons	\$1	50
Order Overruling Motion to Set Aside Dismissal		75	Serving and Returning Subpoenas	65	
Order Granting New Trial		30	Collecting Execution for Costs	1	50
Order Overruling Motion for New Trial		30	Serving and Returning Sci. Fa. Notice, etc.	65	
Order Overruling Motion for Continuance		30	Executing Writ of Possession	2	50
Order Overruling Motion to Set Aside Default		30	Levying Attachment	3	00
Order for Notice to Non-Resident Defendant		30	Entering and Returning Attachment	25	
Issuing Notice for Publication and Copy 20c per hundred words		30	Entering and Returning Execution	25	
Order to Give Security for Costs		30	Summoning and Returning Garnishee	1	50
Order to Give Additional Bond		30	Taking and Approving Garnishee Bond	75	
Order to Execute Writ of Inquiry		30	Serving and Returning Writs	1	50
Order of Sale in Attachment		30	Serving and Returning Summons on Forcible Entry	1	00
Order for Leave to Amend Complaint		30	Executing Writ of Restitution in such cases	2	00
Order for Leave to Amend Pleas		30	Taking and Approving Bonds of Every Kind	1	00
Order for Leave to Amend Writ of Process		30	Taking and Approving Claim Bond	1	00
Order for Attachment for Witness		30	Taking and Approving Forthcoming Bond	1	00
Filing Deposition		10	Taking and Approving Bail Bond	1	00
Issuing Commission to Take Deposition		75	Taking and Approving Plaintiff's Detinue Bond	1	00
Issuing copy of same, per hundred words		15	Taking and Approving Defendant's Detinue Bond	1	00
Issuing Copy of Interrogatories, 15c per hundred words, but not less than		50	Making Deed	2	50
Endorsing each Pet. Deposition Opened		10	Serving Attachment for Contempt of Court	1	50
Taking Bond in Garnishment on Summons		75	Collecting Money on Execution		
Summons to Garnishee		50	Empanelling Jury	75	
Copies of same, 20c per hundred words		20	Sheriff's Commission for Property Sold under Attachment		
Notice to Defendant in Garnishee on Summons, and copy, per hundred words		20	Seizing Personal Property on Writ of Detinue	3	00
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than		50	<b>Total Sheriff's Fees</b>		
Filing Attachment		10	<b>RECAPITULATION</b>		
Issuing Attachment Writ and Taking Bond	1	00	Judgment		
Issuing Copies of Attachment Writ, 15c per hundred words		15	Interest		
Filing Certiorari and Entering Return		75	Clerk's Fees		
Taking Certiorari Bond and Filing Same		75	Sheriff's Fees		
Issuing Writ of Certiorari		75	Justice's Fees		
Issuing copies of same, 15c per 100 words		75	Constable's Fees		
Issuing Writ of Scieri Facias, or Notice in Nature of		75	Witnesses' Fees		
Issuing copies of same, 15c per 100 words		75	Commissioners' Fees		
Taking Supersedeas Bond and Filing same		75	Printer's Fees		
Taking Appeal Bond and Filing same		75	Stenographer's Fees	5	00
<b>TOTAL FORWARDED</b>			Answer of Garnishee		
			Trial Tax	3	00
			<b>Total</b>	\$	

*Under No 7-29-71*      *1035*

Received payment this ..... day of ..... 193 .....

ATTEST

Clerk Circuit Court, Baldwin County, Ala.



No. 105 *copy*

THE STATE OF ALABAMA,  
Baldwin County

**CIRCUIT COURT**

*James H. Deane*

Plaintiffs

vs.

*Northrup King*

Defendants

**CIVIL EXECUTION**

Judgment for *P4* for \$ *600.00*

Interest from \_\_\_\_\_ 193\_\_\_\_  
to \_\_\_\_\_ 193\_\_\_\_ \$

Damages \_\_\_\_\_ \$

Costs \_\_\_\_\_ \$ *11.95*

Total . . . . . \$ *11.95*

Civil Fee Book *H* Page \_\_\_\_\_

Execution Docket *5* Page \_\_\_\_\_

Filed *Aug 22* 193*5*

*Robert S. Duck*

Clerk.

*Hydeant & Chas*

Plaintiff's Attorney.

Defendant's Attorney.

COLLECT COST FROM

THE STATE OF ALABAMA,  
Baldwin County

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

This \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_

Clerk.

RECEIVED IN OFFICE

\_\_\_\_\_ 193\_\_\_\_

Sheriff

Sheriff's Execution Docket, Page \_\_\_\_\_

Sheriff's Fee Book, Page \_\_\_\_\_

Clerk's Civil Fee Book, Page \_\_\_\_\_

Clerk's Civil Execution Docket, Page \_\_\_\_\_

The State of Alabama }  
Baldwin County

By virtue of the within execution, I have, at \_\_\_\_\_ M., this

\_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_, levied \_\_\_\_\_

JAMES H. DEVINE, a Minor,  
By his next friend, H. C.  
DEVINE,

Plaintiff,  
Versus

NORTHRUP, KING & COMPANY,  
a foreign corporation,  
Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Comes now the defendant in the above styled cause and appearing solely for the purpose of this motion, and without making a general appearance, and expressly limiting this its special appearance, to the purpose of this its motion to quash the attempted service of process in this case on it, hereby moves the Court to quash the service or attempted service of process upon it in this cause and shows unto the Court;

That Northrup King & Company, defendant in the above entitled cause, is a foreign, non-resident corporation of the State of Alabama; that the Secretary of State of the State of Alabama has not been designated by said Defendant as its agent for service of process issued in any action commenced in any court of said State of Alabama, and has not been authorized by said defendant to accept service of process for or on its behalf in any action commenced in any Court in said State of Alabama; that the attempt shown by the return of summons heretofore issued herein (which return and summons are hereby referred to and made a part hereof) has been made in the above entitled cause to perfect personal service upon the defendant and thereby to submit the defendant personally to the jurisdiction of this Honorable Court in the following manner and no other, viz: By leaving a copy of summons issued out of this Court in said cause accompanied by a copy of the complaint filed in said cause with the Secretary of State of the State of Alabama, and having the said Secretary of State mail a copy of the summons and complaint addressed

to the defendant at Minneapolis, Minnesota by registered mail with return receipt requested.

And in support of said motion the defendant assigns the following separate and several grounds:

✓ 1. The said attempted service of said process would deprive the defendant of its property without due process of law in violation of the 14th Amendment to the Constitution of the United States.

2. The said attempted service of said process would deprive the defendant of its property without due process of law in violation of the Constitution of the State of Alabama.

3. The said attempted service of said process would deprive the defendant of its property without due process of law in violation of the laws of the State of Alabama.

4. The plaintiff seeks in said cause to recover a personal judgment against the defendant, and no personal service has been perfected on the defendant.

5. The plaintiff seeks in said cause to recover a personal judgment against the defendant, and neither the defendant nor any officer, agent, servant or employee of the defendant, while in the State of Alabama, has been personally served with summons and complaint issued out of this Court in said cause.

6. It does not appear from the complaint that this action grows out of an accident or collision in which the defendant was involved while operating a motor vehicle on a public highway in the State of Alabama, or grows out of an accident or collision in which a motor vehicle owned by the defendant was involved while being operated on a public highway in the State

of Alabama.


7. It does not appear from the complaint that the alleged injuries and damages resulted from an accident or collision which occurred within the State of Alabama.

8. Said attempted service upon the defendant was made under act number 32, Alabama General Laws approved February 8, 1935, and said act is in conflict with section 45 of the Constitution of the State of Alabama, and said Act is therefore void, inoperative and of no effect.

9. The said attempted service of process was made under Act number 32, Alabama General Laws, approved February 8th, 1935, and said act is void, inoperative and of no effect for it does not require the Secretary of State to forward a copy of the summons and complaint to such non-resident by registered mail.

Defendant alleges that said attempted service of process upon defendant is null and void and of no effect whatever, and moves this Honorable Court that the same be quashed, set aside and held to be void and of no effect.

Respectfully submitted,

  
Attorneys for the Defendant  
appearing specially for the  
purpose of this motion only.



IN THE CIRCUIT COURT--LAW SIDE  
STATE OF ALABAMA, BALDWIN COUNTY.

145

~~RECORDED~~  
Duck

JAMES H. DEVINE, a Minor, By  
his next friend, H. C. DEVINE,

Plaintiff,

Versus

NORTHRUP, KING & COMPANY, a  
Foreign Corporation,

Defendant.

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MOTION TO QUASH SERVICE  
OF PROCESS

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Filed July 19 1935  
Robert H. Duck  
Clk.

Armbrecht & Twitty,  
Attorneys for Defendant.

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STATE OF MINNESOTA,  
COUNTY OF HENNEPIN

Before me J. E. LEDBETTER, a notary public in and for said state and county personally appeared H. H. WILLIAMS known to me and known by me to be the ASST. TREASURER of Northrup King & Company, who being by me first duly sworn deposes and says: That affiant is the ASST. TREASURER of Northrup King & Company, a corporation duly organized and existing under the laws of the State of MINNESOTA, and as such ASST. TREASURER is authorized to make this affidavit, Affiant further states that he has read the foregoing motion, is familiar with the contents thereof, and that the matters and things as stated and therein, as set forth in the annexed pages 1, 2 and 3 are true and correct.

H. H. Williams  
AS ASST. TREASURER of Northrup  
King & Company, a corporation.

Subscribed and sworn to before  
me this 16 day of July, 1935.

John E. Ledbetter  
Notary Public in and for said State  
and County.

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_

(Attach seal) JOHN E. LEDBETTER  
Notary Public, Hennepin County, Minn.  
My Commission Expires March 7, 1936.

JUN 24 1935  
SECRETARY OF  
STATE

STATE OF ALABAMA, )  
BALDWIN COUNTY. ) IN THE CIRCUIT COURT-LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:-

You are hereby commanded to summon Northrup, King & Co., a foreign corporation, 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 James H. Devine, a Minor, by his next friend, H. C. Devine.

Witness my hand this 19 day of June, 1935.

*Robert S. Beck*  
Clerk.

COMPLAINT.

JAMES H. DEVINE, a Minor,  
By his Next Friend, H. C.  
DEVINE,

Plaintiff,

-vs-

NORTHRUP, KING & CO., a  
foreign corporation,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.

COUNT 1: The Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for that, whereas, on, to-wit, June 17th, 1935, that while the Plaintiff was traveling along that certain public highway which runs from Robertsdale, Alabama, to Loxley, Alabama, and about two miles South of Loxley, upon a wagon, where he had a right to be, said wagon was negligently run into by an automobile or auto truck, which was then and there being operated by an agent of the Defendant, viz, Vincent A. Bergstrom, who was then and there acting within the scope of his employment, causing Plaintiff to be precipitated from said wagon, causing Plaintiff to be badly injured, bruised, made sore and to suffer great physical pain and mental anguish, to his great damage in the sum aforementioned.

(page two)

COUNT 2: The Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for that whereas, on, to-wit, June 17th, 1935, that while the Plaintiff was traveling along that certain public highway which runs from Robertsdale, Alabama, to Loxley, Alabama, and about two miles South of Loxley, upon a wagon, where he had a right to be, said wagon was willfully and wantonly run into by an automobile or auto truck, which was then and there being operated by an agent of the Defendant, viz, Vincent A. Bergstrom, who was then and there acting within the scope of his employment, causing Plaintiff to be precipitated from said wagon, causing Plaintiff to be badly injured, bruised, made sore and to suffer great physical pain and mental anguish, to his great damage in the sum aforementioned.

*Hybart & Chason*  
Attorneys for Plaintiff.

Plaintiff demands a trial of this cause by Jury.

*Hybart & Chason*  
Attorneys for Plaintiff.

June 21 1935  
A-32 M. H. Walker  
Sheriff

310

RECEIVED IN OFFICE  
JUN 24 1935  
Haygood Paterson, Sheriff

<sup>Quick</sup>  
RECORDED

SUMMONS & COMPLAINT.

JAMES H. DEVINE, a Minor,  
By his Next Friend, H. C.  
DEVINE,

Plaintiff,

-vs-

NORTHRUP, KING & CO., a  
foreign corporation,  
Minneapolis, Minnesota.  
Defendant.

IN THE CIRCUIT COURT-LAW SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.

Filed June 19, 1935  
Robert S. Deek  
Clerk.

LAW OFFICES  
HYBART, ~~WILSON~~  
& CHASON  
BAY MINETTE, ALABAMA

Post Office Department

REQUIRE FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, ETC.

OFFICIAL BUSINESS

REGISTERED ARTICLE

POSTMARK OF DELIVERY  
OFFICE

No. ....

INSURED PARCEL

No. ....

AND DATE OF DELIVERY

Return to .....  
(NAME OF SENDER)

Street and Number  
of Post Office Box. ....

MONTGOMERY,  
ALABAMA.

# RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

RECEIVED  
JUN 28 1935

.....  
(Print name of holder of address)

.....  
(Signature of addressee's agent)

Date of delivery, ..... 1935

Form 3311

U. S. GOVERNMENT PRINTING OFFICE: 1934

Filed July 1, 1935  
Robert S. Clark  
Clerk