

Circuit Court, Baldwin County

PLAINTIFF

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			
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				Issuing copies of same, 15c per 100 words			
Order for Alias Summons and Complaint	30			Total Clerk's Fees			
Order to Dismiss Cause	30			SHERIFF'S FEES			
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				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				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			Total Sheriff's Fees			
Filing Attachment	10			RECAPITULATION			
Issuing Attachment Writ and Taking Bond	1 00			Judgment			
Issuing Copies of Attachment Writ, 15c per hundred words				Interest			
Filing Certiorari and Entering Return	15			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				Constable's Fees			
Issuing Writ of Scieri Facias, or Notice in Nature of	75			Witnesses' Fees			
Issuing copies of same, 15c per 100 words				Commissioners' Fees			
Taking Supersedeas Bond and Filing same	75			Printer's Fees			
Taking Appeal Bond and Filing same	75			Stenographer's Fees	5 00		
TOTAL FORWARDED				Answer of Garnishee			
				Trial Tax	3 00		
				Total	\$		

Received payment this day of 193.....

ATTEST

Clerk Circuit Court, Baldwin County, Ala,

H. C. DEVINE,

Plaintiff,

-vs-

NORTHUP-KING & CO., a
foreign corporation,
Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

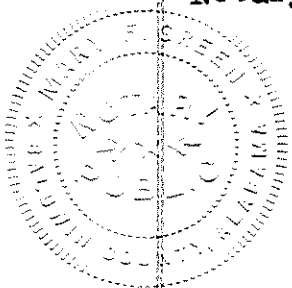
Before me, Mary E. Green, a Notary Public in
and for said County and State, personally appeared John Chason,
who being duly sworn, says that he is the Agent of H. C. Devine
and as such agent has authority to make this Affidavit,-

That Northup-King & Co., a foreign corporation, is
liable to the said H. C. Devine in the sum of Seven Hundred Fifty
Dollars (\$750.00), and that the said Northup-King & Co., is a
foreign corporation, and that this attachment is not sued out by
the said Devine for the purpose of vexing or harassing the said
Defendant.

Sworn to and subscribed before
me, a Notary Public whose seal
is hereto affixed, this 19th
day of June, 1935.

Mary E. Green
Notary Public, Baldwin County,
State of Alabama.

John Chason



AFFIDAVIT.

H. C. DEVINE,

Plaintiff,

-vs-

NORTHUP-KING & CO., a
foreign corporation,

Defendant.

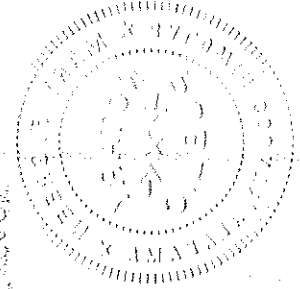
IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed June 19, 1935

Robert S. Duck
Clerk.



State of Alabama,
Baldwin County,
ss. I, the Clerk of said Court,
do hereby certify that the within
affidavit is a true and correct
copy of the original on file in
my office.

Witness my hand and seal of
office at the City of Mobile,
Alabama, this 19th day of June,
1935.

Deputy Clerk

[Handwritten signature]



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: 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.

I am also returning herewith original Summons and Complaint in the above styled cause, for your files.

Please acknowledge receipt.

Yours very truly,

Howell Turner
Howell Turner,
Secretary of State.

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



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY

June 24, 1935

H. C. De Vine,	Plaintiff)	In the Circuit Court
)	
vs.)	of
)	
Northrup, King & Company,)	Baldwin County, Alabama.
a foreign corporation,)	
Minneapolis, Minn.	Defendant)	

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.

Homel Turner
Secretary of State

H. C. DEVINE,

Plaintiff,

-vs-

^R
NORTHUP, KING & CO., a
foreign corporation,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

Whereas, H. C. Devine, through his Agent, has complained on oath to me, R. S. Duck, as Clerk of the Circuit Court of said County, that ^{Northrup, King} ~~Northrup, King & Co.~~ & Co., a foreign corporation, is justly liable to the Plaintiff in the sum of Seven Hundred Fifty Dollars (\$750.00), Plaintiff having made Affidavit as required by law in such cases;

YOU ARE HEREBY COMMANDED to attach so much of the estate of ^RNorthrup-King & Co., as will be of value to satisfy said amount of liability and costs according to the Complaint, and such estate unless replevied so to secure that the same may be liable to further proceedings thereon to be had in the Circuit Court of the County of Baldwin to be holden at the Courthouse thereof, when and where you must make known how you have executed this Writ.

Witness my hand this 19 day of June, 1935.

Robert S. Duck
Clerk.

Bay Minnola, Ala

I ~~W.H.~~ Wilkins as
Sheriff of Baldwin
County, Alabama, have
this day executed the
Within Writ by
benign on the following
described Property
in Roberts Dale Ala.
As the Property of
the Defendant
Northrup, King & Co,
a Corporation, viz
One 1932 Model
Chevrolet Coupe
Motor Number 3281679.
Witness my hand,
This 19th day of June
1935.

M.H. Wilkins
As Sheriff of Baldwin
County, Ala.

WRIT OF ATTACHMENT.

H. C. DEVINE,

Plaintiff,

-vs-

NORTHUP, KING & CO., a
foreign corporation,

Defendant.

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

Issued June 19, 1935

Robert S. Duck
Clerk.

The State of Alabama }
Baldwin County }

CIRCUIT COURT

No. 166 Aug Term, 1935

To Any Sheriff of the State of Alabama--Greeting:

You are hereby commanded, That of the goods and chattels, lands and tenements of _____

Northrup King & Co - Defendants,

you cause to be made the sum of Five hundred & 00/100 Dollars,

which H. C. Kerner Plaintiffs

recovered of it on the 21 day of August 1935 by

the Judgment of our Circuit Court, held for the County of Baldwin, besides the sum of _____

\$ 18.85 _____ Dollars

costs of suit, and have the same to render to the said Robert D. Hurck
and make return of this Writ and the execution thereof, according to law.

Interest from _____, 193____, to date of collection.

Witness my hand, this 22 day of August 1935

Robert S. Luck Clerk

[illegible]

No. 166 Copy

THE STATE OF ALABAMA;
Baldwin County

CIRCUIT COURT

H. C. Devine

Plaintiffs

vs.

Yonkers King

Defendants

CIVIL EXECUTION

Judgment for Plf. for \$ 370.00

Interest from _____ 193_____

to _____ 193_____ \$ _____

Damages _____ \$ _____

Costs _____ \$ 18.83

Total - - - - - \$ 578.83

Civil Fee Book 14 Page _____

Execution Docket 5 Page _____

Filed Aug 22 1932

Robert H. Duck

Clerk.

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 _____

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 H. C. Devine.

Witness my hand this 19 day of June, 1935.

Robert S. Duck
Clerk.

COMPLAINT.

H. C. DEVINE,)	
Plaintiff,)	IN THE CIRCUIT COURT-LAW SIDE
-vs-)	STATE OF ALABAMA
NORTHROP, KING & CO., a)	BALDWIN COUNTY.
foreign corporation,)	
Defendant.)	

COUNT 1: The Plaintiff claims of the Defendant the sum of Seven Hundred Fifty Dollars (\$750.00) as damages for that, whereas, on, to-wit, June 17th, 1935, while Plaintiff's horse and mule attached to Plaintiff's wagon were being driven along that certain public highway leading from Robertsdale, Alabama, to Loxley, Alabama, and at a point about two miles South of Loxley, which said wagon was loaded with corn, Defendant's agent, Vincent A. Bergstrom, who was then and there engaged in the scope of his employment, negligently ran an automobile or an auto truck against said wagon and said mule and horse, and as a result thereof said mule was killed and said horse was so badly damaged that it is of no practical value, and said wagon as well as said load of corn was practically destroyed, all to the great damage of Plaintiff as aforementioned.

(page two)

COUNT 2: The Plaintiff claims of the Defendant the further sum of Twenty-five Dollars (\$25.00) as damages for that, whereas, on, to-wit, June 17th, 1935, while the Plaintiff's dog was on that certain highway leading from Robertsdale, Alabama, to Loxley, Alabama, and at a point about two miles South of Loxley, where it had a right to be, Defendant's Agent, Vincent A. Bergstrom, who was then and there operating an automobile or auto truck along said highway, and while engaged in the scope of his employment, negligently ran said automobile or auto truck against said dog, killing him, and damaging Plaintiff in the sum as aforementioned.

Hypart & Chason
Attorneys for Plaintiff.

Plaintiff demands a trial of
this cause by Jury.

Hypart & Chason
Attorneys for Plaintiff.

NO. 366 RECORDED
Decks

SUMMONS & COMPLAINT.

H. C. DEVINE,

Plaintiff,

-VS-

NORTHROP, 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. Duck
Clerk.

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

6/21/35
M. H. Wilkins
Sheriff
509
RECEIVED IN OFFICE

JUN 24 1935

Haygood Paterson, Sheriff

H. C. DEVINE,	§	
	§	IN THE CIRCUIT COURT OF BALDWIN
Plaintiff,	§	
Versus	§	COUNTY, ALABAMA.
NORTHRUP KING & COMPANY,	§	
a Foreign Corporation,	§	AT LAW. No.
Defendant.	§	

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-residents 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.

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
therein, and 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 _____

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

(Attach seal)

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

AT LAW.

No.

146

146
RECEIVED

H. C. DEVINE,

Plaintiff,

Versus

NORTHROP, KING & COMPANY,
A Foreign Corporation,

Defendant.

MOTION TO QUASH SERVICE
OF PROCESS

Filed July 19, 1935
Robert S. Twitty
Chf

Armbrrecht & Twitty,
Attorneys for Defendant.

RETURN RECEIPT

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

(Signature of Addressee)

(Signature of addressee's agent)

Date of delivery: _____ 1933

U. S. GOVERNMENT PRINTING OFFICE, 1933

Form 3511

Filed July 1, 1933
Robert J. Bueck
Clerk