

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF ALABAMA
NORTHERN DIVISION

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UNITED STATES ATTORNEY
MIDDLE DISTRICT
OF ALABAMA

UNITED STATES OF AMERICA,

PLAINTIFF

VS.

CIVIL ACTION

NO. 1741-N

GEORGE PENTON, MRS. SAMUELLE P.
WILLIS, REGISTRARS OF VOTERS OF
MONTGOMERY COUNTY, ALABAMA;

AND

STATE OF ALABAMA,

DEFENDANTS

Filed 8-18-61
R.C. Gibson, Clerk

MOTION TO QUASH SERVICE

The Defendant, State of Alabama, appearing specially for the purpose of this Motion only, moves to quash service of the summons and complaint purportedly served in this case on the following separate and several grounds:

1. Service upon the Attorney General of Alabama is not legal service upon the State of Alabama.

2. Service upon the Governor of Alabama is not legal service upon the State of Alabama.

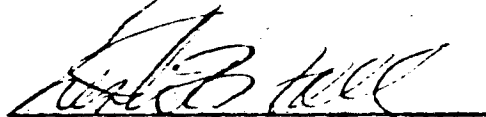
3. Service upon the Attorney General of Alabama and the Governor of Alabama is not legal service upon the State of Alabama.

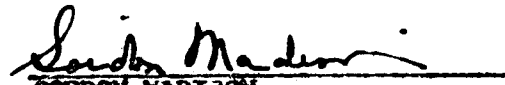
4. The powers of the Government of the State of Alabama are legislative, judicial and executive, so that service upon the Attorney General of Alabama and the Governor of Alabama, one or both, does not constitute legal service upon the State of Alabama.

*See Federal Rules - provides
for service on
chief executive.*

MacDonald Gallion
RICHARD GALLION
ATTORNEY GENERAL


WILLARD W. LIVINGSTON
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA


LESLIE HALL
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA


GORDON MADISON
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA

CERTIFICATE OF SERVICE

I hereby certify that I have mailed, properly stamped and addressed, three copies of the foregoing Motion to Quash Service to Honorable Hartwell Davis, United States Attorney, Federal Building, Montgomery, Alabama, and one copy of the foregoing Motion to Quash Service to Honorable William Thetford, Circuit Solicitor, Montgomery County, Montgomery, Alabama, on this 18th day of August, 1961.


GORDON MADISON
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA