

12

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, In Equity.

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

WE COMMAND YOU, That you summon E. C. Mitchell,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Ernestine Mitchell,

against said E. C. Mitchell,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, M. A. Stone, Register of said Circuit Court, this 11th day of December 1933

M. A. Stone Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Circuit Court, Baldwin County, Ala.,

IN EQUITY.

Ernestine Mitchell
vs.
E.C. Mitchell

PLAINTIFF

DEFENDANT

7/12

BILL OF COST

	Dollars	Cts.		\$	Cts.
FEES OF REGISTER					
Filing each bill and other papers					
Issuing each Subpoena					
Issuing each copy thereof					
Entering each return thereof					
For each Order of Publication					
Issuing Writ of Injunction					
For each Copy thereof					
Entering each return thereof					
Issuing Writ of Attachment					
Entering each return thereof					
Docketing each case					
Entering each Appearance					
Issuing each Decree Pro Confesso on personal service					
Issuing each Decree Pro Confesso on publication					
Each Order Appointing Guardian					
Any other order by Register					
Issuing Commission to Take Testimony					
Receiving and Filing					
Endorsing each package					
Entering Order Submitting Cause					
Entering any other Order of Court					
Noting all Testimony					
Abstract of Cause, etc.					
Entering each Decree					
For Every Hundred Words Over Five Hundred					
Taking Account on Reference					
Taking Testimony, etc.					
Each Report, Five Hundred Words or less					
For every Hundred Words Over Five Hundred					
Amount Claimed, Less than Five Hundred Dollars, etc.					
Issuing each Subpoena					
Witness Certificate, each					
Issuing Execution, each					
Entering each Return					
Taking and Approving Bond, each					
Making Copy of Bill, etc.					
Each notice not otherwise provided for					
Each Certificate or Affidavit, with Seal					
Each Certificate or Affidavit, no Seal					
Hearing and passing on application for Receiver or Trustee					
Each Settlement with Receiver or Trustee					
Examining each Voucher of Receiver or Trustee					
Examining each Answer on Exception					
Recording Resignation or Suggestion of Death of Trustee					
Entering each Certificate to Supreme Court					
Taking Questions and Answers, etc.					
For all other service relating to such proceedings					
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward					
AMOUNT BROUGHT FORWARD					
For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.					
Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.					
Each Notice Sent by Mail to Creditors					
Filing, Receipting for and Docketing each Claim, etc					
For all entries on Subpoena Docket, etc.					
For all entries on Commission Docket, etc.					
Making Final Record, per hundred words					
Certified Copy of Decree					
Report of Divorce to State Health Office, Acts 1915					
Total Fees of Register					
FEES OF SHERIFF					
Serving and Returning Subpoena on Deft.					
Serving and Returning Subpoena for Witness					
Levying Attachment					
Entering and Returning same					
Entering and Returning Execution					
Selling Property Attached					
Impanelling Jury					
Executing Writ of Possession					
Collecting Execution for Costs					
Serving and Returning Sci. Fa., each					
Serving and Returning Notice					
Serving and Returning Writ of Injunction					
Serving and Returning Writ of Exeat					
Taking and Approving Bonds, each					
Collecting Money on Execution					
Making Deed					
Serving and Returning Application					
Serving Attachment, Contempt of Court					
TOTAL FEES OF SHERIFF					
Recapitulation					
Register's Fees					
Sheriff's Fees					
Commissioner's Fees					
Solicitor's Fees					
Witness Fees					
Guardian Ad Litem					
Printer's Fees					
Trial Tax					
Recording Decree in Probate Court					
Total					

5.60

5.60

2.00

1.00

9.10

1.50

1.50

9.10

1.50

5.00

3.00

18.60

+ Ex costs - 21.00

Received payment this _____ day of _____ 193_____

Register.

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

Ernestine Mitchell

COMPLAINANT

vs.

E. C. Mitchell

RESPONDENT

M. A. Stone, Register

I,

as Register and Commissioner

M. A. Stone

have called and caused to come before me Ernestine Mitchell and Sybil Hall

witness named in the Requirement for Oral Examination, on the 13 day of February
19 34, at the office of M. A. Stone,

in Bay Minette, Alabama, and having first sworn said witness to speak the
truth, the whole truth, and nothing but the truth, the said Ernestine Mitchell

doth depose and say as follows:

My name is Ernestine Mitchell; I am a bona fide resident of Baldwin County, Alabama, and have been all my life; I am twenty-seven years of age. E. C. Mitchell is over twenty-one years of age and a resident of Baldwin County, Alabama, but is at present working in Eufaula, Alabama. E. C. Mitchell and I were married in Bay Minette, Baldwin County, Alabama, on July 15, 1930; we lived together as man and wife until about August 11, 1933.

That on August 11, 1933, and various other dates prior thereto, E. C. Mitchell mistreated and abused me; his conduct was such as to cause me to have every reasonable apprehension to believe and I did really believe that he would commit actual violence to me which would necessarily endanger my life and health if I continued to live with him. I at no time gave him any reason or excuse for mistreating me. He has not done or offered to do anything toward my support or maintenance since August, 1933.

The respondent, E. C. Mitchell, is an electrician by profession and did during the most of the time we lived together make a salary of Five Dollars (\$5.00) per day; he is easily capable of

8581 NOTE OF TESTIMONY

Ernestine Mitchell

vs.

E. C. Mitchell

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
Decree Proconfesso, and testimony of Ernestine Mitchell and

Sybil Hall

and in behalf of Defendant upon

M. A. Stone

Register.

ERNESTINE MITCHELL,
Complainant,
vs.
E. C. MITCHELL,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

This cause coming on to be heard, was submitted upon the original bill of complaint, decree pro confesso, pleadings and testimony as noted by the Register, and the court, after due consideration of the matter, is of the opinion that the complainant is entitled to the relief prayed for.

It is therefore ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the said Ernestine Mitchell and E. C. Mitchell be and the same are hereby dissolved and the complainant is forever divorced from the respondent on the grounds of cruelty.

It is further ORDERED, ADJUDGED AND DECREED that the said Ernestine Mitchell and E. C. Mitchell be and they are hereby granted the right to remarry upon the payment of costs in this cause.

It is further ORDERED that the said Ernestine Mitchell shall not again marry for sixty days, except to the said E. C. Mitchell, and, if an appeal is taken within sixty days, shall not marry during the pendency of said appeal, except to the said E. C. Mitchell.

It is further ORDERED, ADJUDGED AND DECREED that the said E. C. Mitchell pay to the said Ernestine Mitchell the sum of Fifteen Dollars (\$15.00) per month beginning immediately, as permanent alimony.

It is further ORDERED, ADJUDGED AND DECREED that the said E. C. Mitchell pay to the said Ernestine Mitchell the sum of Fifty Dollars (\$50.00) as a reasonable attorney's fee by her expended in this cause.

It is further ORDERED, ADJUDGED AND DECREED that the said E. C. Mitchell pay the costs herein taxed, for which execution may

issue.

Dated at Monroeville, Monroe County, Alabama, on this the
17th day of February, 1934.

F. W. Hare

Judge of the Circuit Court of
Baldwin County, Alabama.

8581 NOTE OF TESTIMONY

Ernestine Mitchell

vs.

E. C. Mitchell

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
Decree Proconfesso, and testimony of Ernestine Mitchell and

Sygil Hall

and in behalf of Defendant upon

M. A. Stone

Register.

12

RECORDED
with

No. 12

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Cristine Mitchell

VS

E. C. Mitchell

NOTE OF TESTIMONY

Filed in Open Court this 14th

day of Feb 1934

M. A. Stone

Register

12

Exhibit No 12

INCORPORATED

Edna Louise
Mackall

VS.

E. O. Mackall

Final Decree

Filed Feb. 14th 1934
Wm. D. Stone
Magistrate

The State of Alabama,
Baldwin County.

No. 12 CIRCUIT COURT IN EQUITY.

Ernestine Mitchell

Complainant

vs.

E. C. Mitchell

Defendant

Motion is hereby made for a Decree Pro Confesso against

E. C. Mitchell

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 9th day of February 1934

Beebe & Hall

Solicitor,

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Ernestine Mitchell

vs.
E. C. Mitchell

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed February 9th, 1934 19

[Signature]
Register.

Recorded in Record,

Vol. Page

Register.

TO HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Comes the Complainant, ERNESTINE MITCHELL and humbly complaining against E. C. MITCHELL, respectfully represents and shows unto your Honor and the Honorable Court, as follows:

FIRST

That she is a bona fide resident of Baldwin County, Alabama, and has been for more than three years, next preceding the filing of the bill of complaint in this cause; that she is over twenty-one years of age; that the respondent E. C. Mitchell is over twenty-one years of age, a resident of Baldwin County, Alabama, but is at present working in Eufaula, Alabama.

SECOND

That the complainant and the respondent were married at Bay Minette in Baldwin County, Alabama, on, to-wit: July 15th, 1930, and that they lived together as man and wife until on to-wit: August 11th, 1933.

THIRD

That on to-wit: August 11th, 1933, and various other dates prior thereto the respondent mistreated the Complainant; that the conduct of the said respondent E. C. Mitchell was such that the Complainant had every reasonable apprehension to believe and did believe that the respondent would commit actual violence to her person which would be attended with danger to her life or health.

FOURTH

That your Complainant has no property or means of raising money with which to prosecute this proceeding or to employ counsel to represent her.

WHEREFORE, the premises considered Complainant prays that your Honor will by proper process make the said E. C. MITCHELL

The State of Alabama,
Baldwin County.

{ No. 12 CIRCUIT COURT IN EQUITY.

Ernestine Mitchell

Complainant

vs.

E. C. Mitchell

Defendant

Register

In this cause it appears to the

that a summons requiring the Defendant E. C. Mitchell

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon E. C. Mitchell was served upon him by the Sheriff of Barbour County, Alabama, on the 15th day of December 19 33

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Beebe & Hall

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said E. C. Mitchell

Defendant aforesaid.

This 12th day of February 19 34

W. A. Stone

Register.

party respondent to this bill of complaint, requiring him to plead answer or demur to the same, within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that your Honor will order a reference to determine a proper amount to be paid to her as alimony pendente lite, and attorneys fees for prosecuting this cause.

COMPLAINANT further prays that your Honor will upon a final hearing of this cause give and grant unto her a decree of absolute divorce forever barring the bonds of matrimony existing between her and the said E. C. Mitchell; that your Honor will make and enter a further decree giving to her such amount as may seem right and proper as permanent alimony; that your Honor will give and grant to her such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

Beebe & Hall
Solicitors for Complainant

FOOT NOTE

The respondent, E. C. Mitchell, is required to answer each and every allegation contained in the foregoing bill of complaint, paragraphs FIRST to FOURTH, inclusive, but not under oath, oath being hereby expressly waived.

Beebe & Hall
Solicitors for Complainant

12

TO HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY.

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Minette in Baldwin County, Alabama, on, to-wit: July 15th, 1930,
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conduct of the said respondent E. C. Mitchell was such that the
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sel to represent her.

WHEREFORE, the premises considered Complainant prays that
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Beebe & Stace
Solicitors for Complainant

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Beebe & Stace
Solicitors for Complainant

RECORDED

12

COPY

ERNESTINE MITCHELL

VS

E. C. MITCHELL

BILL OF COMPLAINT

Filed this the 11th day of
December, 1933

W. A. Stone
Register

70.12.

RECORDED
1933

ORIGINAL

ERNESTINE MITCHELL,

VS

E. C. MITCHELL

BILL OF COMPLAINT

Filed this the 11th day of
December, 1933.

Wm. A. Stone
Register

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RECORDED

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No. 2

Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Constance Mitchell

vs.

E. D. Whitehall

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued 14th day Feb 1934

W. D. Stone
Register.