

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.  
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon NEWTON CADWELL

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 MATTIE MAE CADWELL

against said NEWTON CADWELL

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, R. S. Duck, Register of said Circuit Court, this 6th day of

March, 1939.

R. S. DUCK  
clerk, & register

By Charles H. Harrison, Register  
Deputy

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

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.  
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon NEWTON CADWELL

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 MATTIE MAE CADWELL.

against said NEWTON CADWELL.

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, R. S. Duck, Register of said Circuit Court, this 6th day of March, 1939.

**R. S. DUCK**  
clerk, - register

By *William Thompson*, Register  
Deputy

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

# CHANCERY EXECUTION

## BILL OF COSTS

*Mattie Mae Cadwell*

VS.

*Newton Cadwell*

No. 530

PLAINTIFF

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	\$ 10	20	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	4 40
Issuing each subpoena	50	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40	40	Each notice sent by mail to creditor	15
Entering each return thereof	15	15	Filing receipting for and docketing each claim, etc.	25
For each order of publication	1 00		For all entries on subpoena docket, etc.	50
Issuing Writ of injunction	1 50		For all entries on commission docket, etc.	50
For each copy thereof	50		Making final record. per 100 words	15
Entering each return thereof	15		Certified copy of decree	1 00
Issuing Writ of Attachment	1 00		Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15		<b>TOTAL FEES OF REGISTER</b>	<b>\$ 6 35</b>
Docketing each case	1 00	00	<b>FEES OF SHERIFF</b>	
Entering each appearance	25	25	Serving and returning subpoena on deft.	\$ 1 50
Issuing each decree pro confesso on per ser.	1 00		Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica	1 00		Levying attachment	3 00
Each order appointing guardian	1 00		Entering and returning same	25
Any other order by Register	50		Selling property attached	
Issuing Commission to take testimony	50		Impaneling Jury	75
Receiving and filing	10		Executing Writ of possession	2 50
Endorsing each package	10		Collecting execution for costs	1 50
Entering order submitting cause	50		Serving and returning sci. fa., each	65
Entering any other order of court	25	25	Serving and returning notice	65
Noting all testimony	50		Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1 00		Serving and returning writ of exeat	1 50
Entering each decree	75	75	Taking and approving bonds, each	75
For every 100 words over 500	15		Collecting money on execution	
Taking account, etc.	3 00		Making Deed	2 50
Taking testimony, etc.	15		Serving and returning application, etc.	1 00
Each report, 500 words or less	2 50		Serving attachment, contempt of court	1 50
For every 100 words over 500	15		<b>TOTAL FEES OF SHERIFF</b>	<b>3 25</b>
Amount claimed less than \$500, etc.	2 00		<b>RECAPITULATION</b>	
Issuing each subpoena	25		Register's Fees	6 35
Witness certificate, each	25		Sheriff's Fees	3 25
Issuing execution, each	75	75	Commissioner's Fees	
Entering each return	15	15	Solicitor's Fees	
Taking and approving bond, each	1 00		Witness Fees	
Making copy of bill, etc.	15		Guardian Ad Litem	
Each notice not otherwise provided for	50		Printer's Fees	
Each certificate or affidavit, with seal	50		Trial Tax	3 00
Each certificate or affidavit, no seal	25		Recording Decree in Probate Court	3 00
Hearing and passing on application, etc.	3 00		<b>TOTAL</b>	<b>\$ 12 60</b>
Each settlement with Receiver, etc.	3 00			
Examining each voucher of Receiver, etc.	10			
Examining each answer, etc.	3 00			
Recording resignation, etc.	75			
Entering each certificate to Supreme Court	50			
Taking questions and answers, etc.	25			
For all other ser relating to such proceedings	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent				
<b>Sub Total Carried Forward</b>	<b>4 40</b>			

**The State of Alabama,** } No. 530  
**Baldwin County** } Circuit Court, In Equity *January 31* Term, 19*40*

To any Sheriff of the State of Alabama—GREETING:  
 You are hereby commanded, That of the goods and chattels, lands and tenements of *Mattie Mae Cadwell, Complainant* Defendant  
 you cause to be made the sum of *Twelve and 60/100* Dollars,  
 which *was taxed as costs and* Plaintiff  
 recovered of *complainant* on the *31st* day of *January* 19*40*  
 by the judgment of our Circuit Court, held for the county of Baldwin, ~~besides the sum of~~ *in cause of*  
*Mattie Mae Cadwell, Compl't vs Newton Cadwell, Respondent as* Dollars,  
 costs o' suit, and have the same to render to the said *R.S. Duck, Register*  
 and make return of this Writ and the execution thereof, according to law.

Interest from *193* to date of collection.  
 Witness my hand, this *7th* day of *March* 19*40*  
*R S Duck* Register  
*By H S Smith Deputy*

MATTIE MAE CADWELL

Complainant

Vs.

NEWTON CADWELL

Defendant

IN THE CIRCUIT COURT OF BALDWIN COUNTY  
ALABAMA. IN EQUITY. NO. \_\_\_\_\_

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE  
TWENTY FIRST JUDICIAL CIRCUIT IN EQUITY SITTING:-

Now Comes your oratrix, Mattie Mae Cadwell, humbly complain-  
ing of the defendant, Newton Cadwell, in a matter of divorce as  
will hereinafter appear and represents and shows unto your Honor  
as follows:-

FIRST: That both she and the defendant are over the age of  
twenty-one (21) years; that they are both bona fide residents of  
Baldwin County, Alabama, and have so resided for more than three  
(3) years next preceding the filing of this Bill of Complaint.

SECOND: That your oratrix and the defendant were married to  
each other in Brewton, Escambia County, Alabama, on, to-wit, Jan-  
uary 19, 1932, and lived together immediately thereafter as man and  
wife until on, to-wit, February 27, 1939.

THIRD: That for a long time prior to February 27, 1939, the  
defendant had been a heavy drinker; that from 1937 he has drunk whiskey  
to excess and has become an habitual and confirmed drunkard; and that  
in his fits of drunkenness he has abused, mistreated and beat your  
oratrix and that in her opinion the condition of the defendant is  
confirmed and habitual, and there is no hope of reformation, and she  
can no longer with any degree of comfort, happiness and safety continue  
to live with the defendant, Newton Cadwell, as his wife.

FOURTH: That to the union of your oratrix and the defendant there  
were born three children, to-wit: Joyce Cadwell, a girl about six (6)  
years of age; Francis Cadwell, a girl about four (4) years of age;

and Bonnie Ruth Cadwell, a girl about three (3) years of age. That your oratrix loves these children with the lasting love of a mother and is a suitable person to be entrusted with the care and custody of these minor children; while the defendant owing to his drunkenness and his way of life is not a suitable person to be entrusted with their care or custody.

FIFTH: Your oratrix shows unto your Honor that she is in destitute and necessitous circumstances and that she has employed the firm of Horne & Hodnette, Atmore, Alabama, to represent her in this cause and has no money with which to pay them. Your oratrix further shows unto your Honor that the defendant is a man able bodied and well able to provide for your oratrix and the children; that he has property worth in excess of Two Thousand Dollars, (\$2,000.00) and that he has means of livelihood and income in amounts of approximately One Hundred Fifty Dollars (\$150.00) per month.

PRAYER FOR PROCESS

To the end that equity may be had in the premises your oratrix prays that Newton Cadwell be made party defendant to this Bill of Complaint and that a summons be issued and served on him requiring him to plead, answer or demur within the time and under the penalty prescribed by law and the rules of this Honorable Court.

PRAYER FOR IMMEDIATE RELIEF

The premises considered your oratrix prays that your Honor will immediately cause the Register to hold a reference to ascertain the extent of the holdings and income of the defendant and that your oratrix be granted from the income and property of the defendant temporary alimony, for the support and maintenance of your oratrix and her three minor children during the pendency of this litigation;

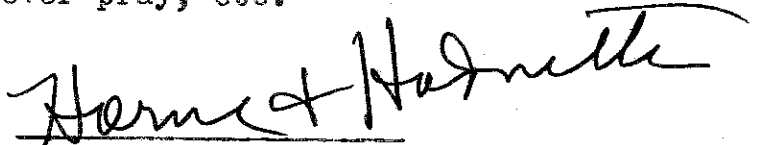
taking into consideration the estate and earnings of the defendant and the condition of life of your oratrix and her children. That the Register will determine what will be a reasonable fee to be paid to her solicitors representing her and looking after her interests in this cause.

That the Register will hold said reference as speedily as possible giving the parties and/or their solicitors ten days notice in writing of the time and place of holding same, and report his findings as speedily as possible after the holding of said reference.

Your oratrix prays further that she will be granted her attorneys fees and other necessary expenses on her behalf exhibited in this cause and that during the pendency of this suit your Honor will make an order entrusting the care and custody of the said minor children to your oratrix.

PRAYER FOR FINAL RELIEF

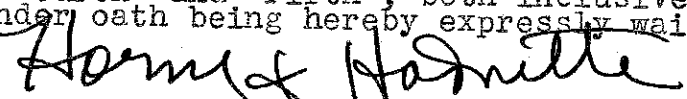
The premises considered your oratrix, upon a hearing of this cause, prays that your Honor will make and enter a decree dissolving the bonds of matrimony heretofore existing between your oratrix and the defendant and granting to your oratrix a full and complete divorce from the said Newton Cadwell and in and by virtue of said decree she will be premitted to again marry should she so desire. Your oratrix further prays that in and by virtue of this decree she be given permanent alimony in such amounts in such amounts as in equity and good consciousness your oratrix is entitled to. Your oratrix further prays that in and by virtue of this decree she be given the custody and control of the three minor children and your oratrix prays such other, further and general relief to which she may be entitled and she will ever pray, etc.



HORNE & HODNETTE,  
Solicitors for Complainant

Footnote:

Defendant is required to answer each and every paragraph, numbered "First", "Second", "Third", "Fourth" and "Fifth", both inclusive, but not under oath, answer under oath being hereby expressly waived.

  
Solicitors for Complainant



RECORDED

*Original*

NEWTON CADWELL,

Serve On ROBERTSDALE, ALA.

Circuit Court of Baldwin County  
IN EQUITY

No. 530

Summons

MATTIE MAE CADWELL,

Complainant,

VS.

NEWTON CADWELL,

Defendant.

HORNE & HODNETT  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
Baldwin County

Received in office this 8<sup>th</sup> 2

day of March 9, 1939

W.R. Stewart  
Sheriff.

Executed this 8<sup>th</sup> day of

March, 1939

by leaving a copy of the Summons with

*Newton Cadwell*

Defendant

*W.R. Stewart*

Sheriff

By *B. J. Stivers*

Deputy Sheriff



*CPA*

NORTON CADWELL,

Serve On NORTON CADWELL, JR.,

Circuit Court of Baldwin County  
IN EQUITY

No. 530

Summons

MATTIE AS CADWELL,

Complainant,

VS.

NORTON CADWELL,

Defendant.

THE STATE OF ALABAMA,  
Baldwin County

Received in office this \_\_\_\_\_

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

Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_

193\_\_\_\_\_

by leaving a copy of the Summons with

*Walter A. Howell*  
Defendant

Sheriff

By \_\_\_\_\_

Deputy Sheriff

NOTED & INDEXED  
Solicitor for Complainant

*Bill of Complaint*

RECORDED

Filed March 4, 1939  
R. S. Buck, Plaintiff  
By - Wallace Thompson, Attorney Plaintiff