ORAL DEPOSITION

Baldwin Times 10-27-39 ½M

THE STATE OF ALABAMA
Baldwin County

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

LOIS RICE COMPLAINANT

VS.

HAROLD F. RICE RESPONDENT

I, Willa Hobbs,

as Register and Commissioner

have called and caused to come before me Lois V. Rice and Frank W. Walker,

witnesses named in the Requirement for Oral Examination, on the 30th day of August

19 41, at the office of Orvis M. Brown

in Robertsdale, Alabama, and having first sworn said witnesses to speak the truth,

the whole truth, and nothing but the truth, the said Lois Rice and Frank W. Walker,

doth depose and say as follows:

Testimony of Lois V. Rice,

My name is Lois V. Rice and I am the complainant in this cause of action. I, and the respondent Harold F. Rice, were married, at Long Beach, California on the15th day of July,1935.

We are both over the age of twenty-one years, and I am a bona fide resident of Foley, Baldwin County, Alabama, and I have been a resident of Baldwin County, Alabama in excess of twelve months next preceeding the filing of this bill of Complaint.

The respondent Harold F. Rice, is a resident of Fresno County, California, and has been for the past twelve months.

Of this marriage there was one child born to us, whose name is Katherine Yvonne Rice, who is five years of age, and resides with me, and has continued to live with me since we were separated. I have no objection to the respondent visiting the child at any time he may desire.

We have been separated since January the 5th, 1940, and we have not lived together as husband and wife since that date. It was not any fault of mine that we separated but was all the fault of the respondent, Harold F. Rice.

I have a good home for the child and she is given the proper supervision, education, and training, and I am in a position to give her this supervision at all times, and being the mother of the child feel that I am the proper person to be responsible for her care and custody.

Lois V. Rice

Testimony of Frank W. Walker

My name is Frank W. Walker. I am a resident of Foley, Baldwin County, Alabama, and over the age of twenty-one years. I have known the complainant, Lois V. Rice for a number of years, and further that she was married to Harold F. Rice, I am told on July 15, 1935, and that they lived together as husband and wife, off and on during the period of time they were married until Jan. 5, 1940, at which time they were separated and have not lived together since. They are both over the age of twenty-one years. There was born to them one child, named Katherine Yvonne Rice, who is at this time about five years of age. This child is with its mother who is the complainant in this cause of action. I know of my own personal knowledge that she is the proper person to have the care and control of this child. The complainant has been a bona fide resident of Baldwin County, Alabama in excess

ORAL EXAMINATION

I, Willa Hobbs, as Register and Commissioner hereby certify that the foregoing deposition— on Oral Examination was taken down in writing by me in the words of the witness— and read over to them and they signed the same in the presence of myself Orvis M. Brown at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness— or had proof made before me of the identity of said witness—; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 4th day of September, 1941.

Willa Mae Hobbs (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

LOIS V. RICE, Complainant

Vs.

HAROLD F. RICE, Respondent

ORAL DEPOSITION

Filed September 4, 1941

R. S. Beck, Register

RECORDED IN _____ Record

Vol. _____ Page _____

_____, Register

RECORDED

i n bh b

LOIS V. RICE,
Complainant,

vs.

HAROLD F. RICE,
Respondent.

BILL OF COMPLAINT:

Filed September 4, 1941
R.S. Deuch, Register

ORVIS M. BROWN
ATTORNEY AT LAW
Robertsdale, Alabama

751

BILL OF COMPLAINT

LOIS V. RICE,	)	
Complainant	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
HAROLD F. RICE,	)	IN EQUITY
Respondent	)	

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

Comes your Complainant LOIS V. RICE and presents this her Bill of Complaint against HAROLD F. RICE and shows unto your Honor as follows:

FIRST: Your Complainant and Respondent, HAROLD F. RICE, are both over the age of twenty-one years and your Complainant, LOIS V. RICE, is a bona fide resident of the State of Alabama and County of Baldwin at the time of the separation and has been for a period of two years next prior to the filing of this Bill of Complaint; and Respondent a resident of California.

SECOND: That your Complainant and the said HAROLD F. RICE were lawfully married at Long Beach, California on July 15th, 1935 and lived together as man and wife until on or about the 5th day of January, 1940 and further that there was one child born of this marriage to the Complainant and Respondent, whose name is Katherine Yvonne Rice, age five (5) years, a girl.

THIRD: Your Complainant further shows unto your Honor that during the month of January, namely the 5th, 1940 your Respondent did voluntarily and without any cause or fault on the part of your Complainant desert your Complainant and which offense she has not condoned and she will not condone and that he has never returned to your Complainant nor co-habited with her as husband and wife from this 5th day of January, 1940 to the date of the filing of this Bill, said abandonment by the Respondent continuing for more than two years next preceding the filing of this Bill.

PRAYER FOR PROCESS

THE PREMISES CONSIDERED, Complainant prays that the said HAROLD F. RICE be made a party to the Bill of Complaint, that he be brought into Court by personal service or any method approved and adopted by this Honorable Court directing him to plead, answer or demur to the allegations as set out against

him in the said Bill of Complaint as filed in this cause in all respects as required under law and rules of this Honorable Court.

PRAYER FOR RELIEF

And your Complainant prays that upon the final hearing of this cause that this Honorable Court will grant to her an absolute divorce dissolving forever and entirely the bonds of matrimony now existing between her and the said HAROLD F. RICE and granting unto her the right to marry again should she so desire, and grant unto her the further right of using her maiden name of LOIS V. TROYER, and your Complainant prays upon the final hearing of this cause that your Honor will grant unto the said Complainant the care, custody and control of the child, namely Katherine Yvonne Rice, and your Complainant prays for such other and further relief as in equity and good conscience she may be entitled to in the premises, for which she will ever pray.

Complainant

Solicitor for Complainant

FOOT NOTE: The Respondent is required to answer but not under oath the same being expressly waived, as to each and every paragraph of the foregoing Complainant numbering from One to Three both inclusive.

Complainant

Solicitor for Complainant

LOIS V. RICE,	)	EQUITY
Complainant	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
HAROLD F. RICE,	)	
Respondent.	)	

Comes Harold F. Rice, Respondent in the above styled cause and for answer to the Bill of Complaint says that he admits Paragraph One thereof, he admits Paragraph Two thereof, and he denies Paragraph Three thereof and demands strict proof thereof and he further admits Paragraph Four of the Bill of Complaint.

Respondent hereby waives service and notice of and demand for oral examination of the Complainant's withesses, of the issue of commission to take testimony, notice of the time and place of the taking of the same and of the right to cross examine or introduce evidence in his own behalf; and he further consents that this cause may be submitted for final decree at any time on the pleadings of the Complainant's evidence as noted by the Register.

The Respondent hereby sequests of this Honorable Court that he be given the right ro marry again if he so desires upon the issuance of this final decree.

WITNESS:

Mary P. Steger

Betty Ruth Steger

X Harold F. Rice
Respondent

EQUITY COST BILL. Moore Printing Co., Bay Minette, Ala.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Sept. Term, 1941

Lena V. Rice

No. 757 vs.

Harold F. Rice

BILL OF COSTS

REGISTER'S FEES	AMOUNT
Fees in Circuit Court— Docketing Cause, One fee only of 1.00	1 00
Issuing Summons on Bill, each ..... .50*	50
Issuing Copies Thereof, each ..... .40	40
Entering Return of Same, each ..... .15	15
Orders of Publication to Non-Residents, each 1.00*	1 00
Filing Bill or Other Paper, each ..... .10	10
Copies of Same, Per 100 Words ..... .15	
Entering Appearances, each ..... .25*	
Issuing Writs of Injunction, Ne Exeat, each 1.50	
Issuing Copies Thereof, each ..... .50	
Entering Return of Same, each ..... .15	
Decrees Pro Confesso, each 1.00*	
Order Appointing Guardian Ad Litem, each 1.00*	
Issuing Commissions to Take Testimony, each .... .50	
Taking Testimony, Per Day 1.50	
Taking Testimony, Per 100 words ..... .20	
Receiving and Filing Depositions, each pkg., ... .10	10
Indorsing Depositions Published, each pkg., ... .10	10
All Entries on Commission Docket, Each Cause .... .50	
Entering Order Submitting Cases for Decree, each. .50	
Other Orders of Court, each ..... .25	
Noting Testimony on Hearing of Cause, each ..... .50	
Entering Decrees, of 500 Words of Less, each ..... .75	75
Per 100 words over 500 ..... .15	
Taking Accounts, etc., on Ref., per Day 3.00*	
Taking Testimony on Reference Relating to Trustee, etc., per 100 words ..... .15	
Reference and Reports, each 2.00*	
Reports of 500 Words or Less 2.50	
Per 100 Words over 500 ..... .15	
Issuing Subpoenas for Witnesses, each ..... .25	
Issuing Witness Certificates, each ..... .25	
All Entries on Subpoena Docket, each Cause ..... .50	
Taking and Approving Bonds, each 1.00	
Making Complete Record, per 100 Words ..... .15	4 00
Hearing, etc., Regarding Appointment of Receiver or Trustee 3.00	
Settlements with Receiver or Trustee, each 3.00	
Examining Vouchers in Settlements, each ..... .10	
Examining Answers on Exceptions, each Answer .. 3.00	
Removal Disabilities on Non-Age	
Commissions on Sales	
Making Deeds to Property Sold, each 2.00	
Receiving and Paying Out Money Other Than That Arising from Sales	
Certificates or Affidavits, with Seal, each ..... .50	
Certificates or Affidavits without Seal, each ..... .25	
Issuing Scire Facias or other Notice, each ..... .50	
Other Orders of Register, except Cont., each ..... .50	
Entering Certificates of Supreme Court, each ..... .50	
Transcript for Supreme Court, per 100 words, each. .15	
Additional Copies, per 100 words ..... .05	
Appeal Bond, each 1.00	
ertificate of Appeal, each ..... .50	
Notice of Appeal, each ..... .50	
Report to State Board of Health, each case ..... .50	
Certificate of Judgment, each ..... .25	
Issuing Executions, each ..... .75	
Entering Returns Thereof, each ..... .15	
Cert. Supp. Stmt. Decree	2 00
Total Register's Fees	4 05

SHERIFF'S FEES:	AMOUNT
Summoning on Bill, Each Defendant 1.50	
Executing Writ of Injunction, or Ne Exeat, each .. 1.50	
Executing Subpoenas for Witnesses, each ..... .65	
Executing Writs of Possession, each 5.00	
Executing Scire Pacias or Notice, each 1.50	
Taking and Approving Bonds, each 1.00	
Impaneling Jury ..... .75	
Collecting Execution for Costs Only, each 1.50	
Sheriff's Commissions	
Total Sheriff's Fees	

SUMMARY OF FEES, COSTS, AND JUDGMENT

Fees in Circuit Court—	
Register's Fees	8 05
Ex-Register's Fees	
Sheriff's Fees	
Ex-Sheriff's Fees	
Witness Fees	
Commissioner's Fees	5 00
Guardian Ad Litem	
Publisher's Fees	
Solicitor's Fees	
Court Reporter's Fees, Per Day or fraction thereof .5.00	
Trial Tax 3.00	3 00
Fees and Costs in Inferior Court:	
Clerk of Inferior Court Fees	
Sheriff's Fees	
Witness Fees	
Total Fees and Costs in Inferior Court	16 05
Total Fees and Costs	
Judgment	
Total Fees, Costs, and Judgment	

Commission To Take Depositions.

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO WILLA HOBBS

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine LOIS V. RICE and FRANK W. WALKER

as witnesses in behalf of LOIS V. RICE in a cause pending in our Circuit Court of Baldwin County, of said State, wherein LOIS V. RICE

Complainant

and HAROLD F. RICE

Defendant,

on oath to be by you administered, upon them

to take and certify the deposition s of the witness es and return the same to our Court, with all Convenient speed, under your hand.

Witness ~~[illegible]~~ 4th day of ~~[illegible]~~ September, 1941.

R. S. Deck

REGISTER

Commissioner's Fee $

Witness' Fees, $

AFFIDAVIT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Personally appeared before me Frank W. Walker a Notary Public in and for said state and county, one Lois V. Rice, who first being first duly sworn doth state and affirm upon her oath that she is the complainant in a certain cause of action, namely a Bill of Divorce against Harold F. Rice.

I, Lois V. Rice hereby certify that the respondent, Harold F. Rice is not in the Military Service of the United States of America and further the affiant sayeth not.

Lois V. Rice

Sworn to and subscribed to before me this 3 day of September, 1941.

Frank W. Walker
Notary Public, Baldwin County, Ala.
My Commission Expires 11/15/43

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LOIS V. RICE Complainant

VS.

HAROLD F. RICE Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on answer and waiver and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said LOIS V. RICE is forever divorced from the said HAROLD F. RICE

for and on account of DESERTION

It is further ordered, adjudged and decreed that the complainant LOIS V. RICE shall have the right of using her maiden name of LOIS V. TROYER.

It is further ordered, adjudged and decreed that the complainant LOIS V. RICE shall have care, custody and control of the child, KATHERINE YVONNE RICE with the right granted to the respondent HAROLD F. RICE of visiting said child as long as he shall continue to contribute to the support of the said child.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that LOIS V. RICE and HAROLD F. RICE be, and they are hereby permitted to again contract marraige upon the payment of the cost of this suit.

It is further ordered that Lois V. Rice the complainant pay the cost herein to be taxed, for which execution may issue.

This 5th day of September, 1941.

F. M. Stare
Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the _____ day of _____, 19____

_____
Register of Circuit Court, in Equity.

RECORDED

ANSWER AND WAIVER

LOIS V. RICE,

Complainant

-vs-

HAROLD F. RICE,

Respondent

Filed Sept 4, 1941
R. L. Black, Register

ORVIS M. BROWN
ATTORNEY FOR COMPLAINANT
ROBERTSDALE, ALABAMA

NO.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LOIS V. RICE

Complainant

VS.

HAROLD F. RICE

Defendant

Commission To Take Deposition

COMMISSIONER:

WILLA HOBBS

Witnesses:

LOIS V. RICE

FRANK W. WALKER

RECORDED

Affidavit

Filed Sept. 4, 1941
R. L. Deck, Register

RECORDED

No. 751 Page

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

LOIS V. RICE,

vs. Complainant.

HAROLD F. RICE,

Respondent.

DIVORCE DECREE

Filed September 5, 1941
R. L. Duck, Register

8581. NOTE OF TESTIMONY

MOORE PRINTING CO., BAY MINETTE, ALA.

LOIS V. RICE

Complainant

vs.

HAROLD F. RICE

Respondent

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, Testimony of Lois V. Rice and Frank W. Walker

and in behalf of Defendant upon Answer and Waiver

R. S. Burch
Register.

8550 REQUEST FOR DECREE IN VACATION. Moore Ptg. Co.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ FALL Term, 1941

LOIS V. RICE, , Complainant

Vs.

HAROLD F. RICE , Defendant

To R. S. DUCK , Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by ORVIS M. BROWN Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Solicitor for Complainant.

RECORDED

No. _____ Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

LOIS V. RICE

Complainant

Vs.

HAROLD F. RICE,

Respondent

REQUEST FOR DECREE IN VACATION

Filed Sept 4, 1971

R. L. Deuch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Ptg. Co. Bay Minette

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

LOIS V. RICE

Complainant

vs.

HAROLD F. RICE

Respondent

NOTE OF TESTIMONY

Filed in Open Court this 4

day of Sept. 1971

R. S. Duck

REGISTER

MOORE PRINTING CO., BAY MINETTE, ALA.