The State of Alabama, Baldwin County

Circuit Court, In Equity

			vs.			
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	BALDWIN COUNTY
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	Vivians, Tr
15.	Complainant
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官科	Donie Cunnia Vivier
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The State of Alabama, Baldwin County

Circuit Court, In Equity

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	STATE OF A STATE OF A	ARD WIISON VIVIA vs.	NO, JR.	—, Complainant
	r Santa Santa			
		DORIS CURRY VIV	IAMS	, Respondent
Thi	s cause coming or	to be heard was submitt	ed upon Bill of Com	plaint, Decree Pro Confesso or
Do	ris Currie	Tivians and Te	stimony as noted by	the Register, and upon con-
		of the opinion that the	Complainant is entitle	ed to the relief prayed for in
said bill.	The second secon	L. adjudged and decreed b	ov the Court that the	bonds of matrimony heretofore
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saidJē	mes Howard	Wilson Vivians,	Jr.	is forever divorced from the
Dc	ris Currie	Viv i ans	er er General General	£0
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It is f	urther ordered, ad	judged and decreed that	neither party to this	suit shall again marry except
o each other	until sixty days	ifter the rendition of this	decree, and that if	appeal is taken within sixty
lays, neither	party shall again	marry except to each of	her during the pende	ncy of said appeal.
It is f	urther ordered tha	t the Complainant and R	despondent be, and t	they are hereby permitted to
gain contra	ct marriage upon	the payment of the cost o	f this suit.	
Thin fo	eethor ordored the	+ James I	Toward Wilson	Vivians, Jr.
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he Co	mpalasinant	pay the cost here	in to be taxed, for w	hich execution may issue.
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				udge Circuit Court, In Equity
7				Register of the Circuit
Ι,				a, do hereby certify that the
		foregoing is a corr	rect copy of the orig	ginal decree rendered by the
			ait Court in the above enrolled in my office	e stated cause, which said de
		cree is on me end	entoned in my onice	•
		Witness my	y hand and seal this t	theday
		of		 19
				·, -/
			Register (of Circuit Court, In Equity.

JAMES H. VIVIANS,

Complainant

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA

- Vs -

DORIS CURRIE VIVIANS,

_

Defendant

I, the commissioner hereinafter named, certify that by virtue of the attached commission, I caused MARY BROOKS and CURIEY BROOKS, witnesses for complainant, to appear in my office in the Bank of Fairhope Building, Fairhope, Alabama, where, having been first duly sworn to tell the truth upon examination by wounsel for complainant, they testified as follows:

MARY BROOKS

I am the grandmother of JAMES VIVIANS and raised him from boyhood. I live in Daphne, which is the town from which he was drafted and know of my personal knowledge that he has been all his life a resident of Baldwin County, Alabama. He was married on December 9, 1947 to DORHS CURRIE and lived with her as husband and wife up to the middle of December, 1949, when he left and went to Jasper, Texas, where he could get work. In the following February, 1950, after he had gotten settled in a place to live, he sent his wife a bus ticket for a fare to come there, but instead of her using this to go there as was agreed, she tried to cash the ticket and since then has refused to go back to live with him. For a while she has been working in Mobile and it has been reliably reported to me that she is living with another man over there. At any rate she has not come back to her husband, and they have lived separate and apart since December, 1949, without any resumption of married life together. Had they gone back together, my relations with her family are such that I would have known it at once. Both James Vivians and his wife are over the age of twenty-one years. She has relatives in Baldwin County and still regards this county as her home.

Mary Brooks

CURLEY BROOKS

I am the step-grandfather of James Vivians and have known him all of his life. Mary Brooks, who has just testified, is my wife, and I know that all she has said is true. James Vivians has been badly treated by his wife and is doing well to get rid of her.

Cierley Brookes

JAMES HL. W. VIVIANS, Complainant

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I, Florence Copeland, the commissioner named in the attached commission issued by the Circuit Court of Baldwin County, Alabama, do hereby certify that in a case pending in the Equity side of said Court, wherein James Vivians is Complainant and Doris Currie is Defendant, under and by virtue of the power conferred upon me by said commission, I caused the witnesses named in the commission, namely Mary Brooks and Curley Brooks, who were made known to me and known by ma to be the identical witnesses named in the commission, to come to my office in the Bank Building in the city of Fairhope, Alabama, where the said witnesses after being first duly sworn by me, upon examination by Elliott G. Rickarby, Esquire, of counsel for Complainant, testified as is hereinbefore written. That their testimony was by me reduced to writing as given by them, as near as might be in their identical language, and after being so reduced to writing, was read over by the said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to either of the parties to the cause, or anywise interested in the result thereof.

In Witness Whereof, I hereunto set my hand and seal as Commissioner, this the 29th day of October, 1951.

Florence Capelant Commissioner

Commissioner's fee \$ 3.00
To be Paid by Complainant

JAMES H. W. VIVIANS, Complainant 104 (0) (0) DORIS CURRIE VIVIANS, Defendant DEPOSITIONS \$ C. CURLEY BROOKS and MARY BROOKS, Witnesses for Complainant Control of the American (3) (3) (3) Ć, State of the State of

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Filed 11-7-5-1 Acicetherick Register

THE STATE OF ALABAMA, Baldwin County.

CIRCUIT COURT

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		Complainant—
	v s. "	
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DOR	IS CURRIE VIV	/IANS
		Defendant—
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	COMMISSIONE	
Flo	rence Copelar	nd
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JAMES H.	W. VIVIANS Com	S plainant,	,	BALDWIN C	RCUIT COURT (OUNTY, ALABA EQUITY	
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	rtesp	ondent.	,			
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Alabama, the place of	f trial of said ca	use, to-w	rit: Cu	ırley Brooks	and Mary Br	ooks.,
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NOTE:						
Complainant s	uggests the nam	e of	Fle	orence Copela	nd	
as a suitable and cor	mpetent person	to act as	commiss	ioner upon the exa	mination of said	witnesses
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BT-2-47-100

DEMAND FOR ORAL EXAMINATION.

JAMES H. W. VIVIANS Complainant,

DORIS CURRIE VIVIANS Respondent.

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

Filed this 7th day of nove

1947

RICKARBY & RICKARBY FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

8 October 1951

Mrs. Alice J. Duck Register Bay Minette, Alabama

Dear Mrs. Duck:

VIVIANS VS VIVIANS: With this find Interrogatories to be propounded to Complainant as a witness for himself in this cause and for which please issue commission addressed to:

Captain Henry C. DeJarnette Office of Staff Judge Advocate Fort Eustis, Virginia.

We will send Captain DeJarnette the necessary form for taking depositions in this case.

Sincerely,

Beliste G. Rindard

for RICKARBY & RICKARBY

EGR:fc

RICKARBY & RICKARBY FAIRHOPE, ALABAMA

E.G. RICKARBY, JR.

7 August 1951

Mrs. Alice J. Duck Register Bay Minette, Alabama

Dear Mrs. Duck:

VIVIANS VS VIVIANS: With this please find Bill in duplicate for the case on which I paid you \$12:00 costs when at Bay Minette last Thursday.

We have just located the Defendant and it may be she will sign an answer and waiver, so do not put the papers in the Sheriff's hands until you hear from me further.

Sincerely,

for

RICKARBY & RICKARBY

EGR:fc 3072 Enc: 2

RICKARBY & RICKARBY FAIRHOPE, ALABAMA

5 November 1951

E. G. RICKARBY, JR.

Mrs. Alice J. Duck Register Bay Minette, Alabama

Dear Mrs. Duck:

VIVIANS VS VIVIANS: By this mail we are sending you depositions of the two local witnesses in this case taken last Monday, October 29th but without the issue of commission for which we now apply asking you to date it October 27th to anticipate the testimony.

We have also filled out the commission and will be glad to have you put this with the testimony but do not submit until we notify you as the Complianant has become somewhat reticent as to the balance of our fee, which omission will have to be rectified.

Sincerely,

for

RICKARBY & RICKARBY

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THE STATE OF ALABAMA, Baldwin County.

Witness' Fees, \$

CIRCUIT COURT

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THE STATE OF ALABAMA Baldwin County

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	WITNESSES:			

OFFICE OF THE JUDGE ADVOCATE FORT EUSTIS, VIRGINIA

12 October 1951

Clerk Circuit Court, Baldwin County Bay Minette, Alabama

Re: Interrogatories James H. W. Vivians.

Dear Sir:

Inclosed are Interrogatories of James H. W. Vivians which have been duly taken this date on behalf of the said James H. W. Vivians to be read as evidence in the Chancery cause pending in your court in the style of Vivians v. Vivians in accordance with the commission to take depositions which is attached to the Interrogatories.

It is hoped that the Interrogatories are in proper form.

2 Incls.

#1 - Notice to Take Dep

#2 - Dep of J. H.W. Vivians

CC.

Messrs Rickarby & Rickarby Attorneys At Lew Fairhope, Alabama

Yours very truly,

JAGO,

Captain

Legal Assistance Officer

Complainant,

Vs.

Doris Curie Vivians

Respondent.

Definicant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. 2.696

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

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DEMAND FOR ORAL EXAMINATION.

James HW Vivians Complainant,

Dorio Currie Viviano

Respondent.

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

Filed this / It day of Ochetus

1947...

Auch Register.

RICKARBY & RICKARBY

FAIRHOPE, ALABAMA

1 February 1952

E. G. RICKARBY, JR.

Mrs. Alice J. Duck Register Bay Minette, Alabama

Dear Mrs. Duck:

VIVIANS VS VIVIANS: With this we are handing you three copies of the decree and note of evidence, duly signed.

From Father's file I think that there should be testimony of Vivians and two other local residents in Daphne, but as I am not familiar with the file I would rather you would note this testimony so I am leaving this list on testimony blank for you to fill in.

Please notify as soon as this case is ruled on by the Judge.

Yours very truly,

RICKARBY & RICKARBY

By: PS D

EGRjr/fc 3072 Enc: 4

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DORIS CURRIE VIVIANS

You are hereby notified to appear and plead, answer or demur, within thirty days from the receipt hereof, to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you as Defendant by JAMES HOWARD WILSON VIVIANS, JR., Complainant.

Witness my hand and seal this 4 had agust, 1951.

Register, Circuit Court

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes JAMES HOWARD WILSON VIVIANS, JR., and by this his Bill of Complaint, presented against DORIS CURRIE VIVIANS, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and are both are now and have been for more than three years next preceding the filing of this bill, bona fide residents of Baldwin County, Alabama.

SECOND: That Complainant and Defendant were married at Daphne, Alabama, on December 29, 1947, but have not lived together since Eebruary 15, 1950.

THIRD: That Defendant has lived separate and apart from Complainant ever since she voluntarily abandoned his bed and board in the month of February, 1950 which abandonment has continued to the present date.

THE PREMISES CONSIDERED, Complainat pryas that he be made party defendant to this cause, and by proper process required to answer this Bill within the time prescribed by Law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing him from the said Doris Currie Vivians, granting him the right to marry again should he so desire, and to have such other, further or different relief as to equity may seem meet.



EQUITY NO.

JAMES HOWARD WILSON VIVIANS, JR.

VS

DORIS CURRIE VIVIANS

BILL

RECORDED

FILED AUG 9 1951

ALICE J. DOCK, Register

RICKARBY & RICKARBY

Solicitors

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January Milliam Sheriff

No	9,696 Page	
	THE STATE OF ALABAMA BALDWIN COUNTY.	
	CIRCUIT COURT IN EQUIT	Υ.
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		on Vivian vs.		
	Doris Cun	vie Vivian		Defendant
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DORIS CURRIE VIVIANS		,				
n the above stated cause, on the	ground that:	more than thirt	y days ha	ve elapsed		efendant service of
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STATE OF VIRGINIA)

COUNTY OF WARWICK) SS:

(FORT EUSTIS))

The Interrogatories of James H. W. Vivians taken before me, Henry C. DeJarnette, Captain, JAGC, 02059155, Assistant Staff Judge Advocate, Fort Eustis, Virginia, on this the 12th day of October 1951, to be read on behalf of said James H. W. Vivians in a certain suit in equity pending in the Circuit Court of Baldwin County, Alabama, under the style of James H. W. Vivians, Complainant, vs Doris C. Vivians, Defendant (Equity No. 2696), pursuant to commission of Circuit Court of Baldwin County, State of Alabama, dated 9 October 1951, which said commission and attached interrogatories is hereto attached.

The witness, JAMES H. W. VIVIANS, having been duly sworn, deposes as follows:

INTERROGATORY ONE: State your age and that of the defendant and in what county has been the residence of both of you for three years prior to August 8, 1951?

ANSWER: My name is JAMES H. W. VIVIANS, and my age
is 21, and DORIS C. VIVIANS is about 23
years of age. The defendant and I have both
been residents of Baldwin County, Alabama,
for the three years prior to 8 August 1951.

INTERROGATORY TWO: State when and where you were married and when you stopped living together?

ANSWER: I was married in Daphne, Alabama on December 29, 1947. The defendant and I last Cohabited together in the latter part of November 1949 at Daphne, Alabama.

INTERROGATORY THREE: In December 1949 when you left Baldwin

County to work in Jasper, was it not agreed

with you and your wife that she would follow

you there as soon as you could get located

and sent her the money?

ANSWER: Yes, that is correct.

IMPERROGATORY FOUR: In the early part of February 1950, did you or not write your wife to join you and send her a ticket for her bus fare to Jasper?

ANSWER: Yes, I did.

INTERROGATORY FIVE: Did your wife join you when you sent her the transportation? Have you been able to get her to live with you since that date? What did she do with the bus ticket?

ANSWER: She failed to come to Jasper. Instead of using the ticket to come to live with me, she turned the ticket into the bus company, and tried to collect the cash from it. To my knowledge, she never made any effort to use other means of transportation to join me in Jasper, Texas.

INTERROGATORY SIX: Did your wife have any legal reason for not joining you since February 1950 and have you and she at any time lived together since then or seen anything of each other?

ANSWER: There was no legal reason for her not joining

me since 1950 and we have not lived together

since that time nor have I seen anything of her.

Further deponent sayeth not.

James H. W. Vivians

I, HENRY C. DEJARNETTE, Captain, JAGC, Assistant Staff Judge
Advocate, Fort Eustis, Virginia, do hereby certify that JAMES H. W.

VIVIANS, whose name is signed to the foregoing deposition, personally appeared before me on the date above stated and after having been duly sworn did answer the questions propounded to him as set forth above.

I do further certify that the said James H. W. Vivians is a person known to me to be in the military service of the United States and that I am a person authorized to administer oaths in accordance with Article 136, Uniform Code of Military Justice, and Public Law 506, 81st Congress.

HENRY C DEJARNET TE

Captain,/JAGC

Asst Staff Judge Advocate

THE STATE OF ALABAMA, Baldwin County.

CIRCUIT COURT

TO:	Captain Henry C. D			
	Office of Staff Ju	dge Advocate,	i della di distributa di di distributa di di	
	Fort Eustis, Virg	inia		
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KNOW YE: the	at we, having full faith ir	ı your prudence and c	ompetency, have appoi	nted you
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JAMES H. W. VIVIANS Complainant

EQUITY No. 2696

VS

CIRCUIT COURT OF

DORIS C. VIVIANS, Defendant BALDWIY COUNTY, ALABAMA

DEPOSITIONS TO BE PROPOUNDED TO JAMES H. W. VIVIANS, WITNESS FOR COMPLAINANT:

LITERATOGETORY OFE: State your age and that of the Defendant and in what county has been the residence of both of you for three years prior to August 8, 1951?

TWO: State when and where you were married and when you stopped living together.

THREE: In December 1949 when you left Baldwin County to work in Jasper, was it not agreed with you and your wife that she should follow you there as soon as you got located and sent her the money?

FOUR: In the early part of February 1950 did you or not write your wife to join you and send her a ticket for her bus fare to Jasper?

FIVE: Did your wife join you when you sent her the transportation? Have you been able to get her to live with you since that date? What did she do with the bus ticket?

SIX: Did your wife have any/reason for not joining you since February 1950 and have you and she at any time lived together since then or seen anything of each other?

Solicitors for Complainant.

Complainant being duly sworm says that he is now in Military service in Camp Eustis, Virginia more than one hundred miles from the place of trial of this cause and that his testimony is essential in the present suit. He suggests the name of Henry C. DeJarnette, a Captain in the service of the Army of the United States stationed at Camp Eustis, as a suitable person to act as commissioner in taking testimony for the Complainant in this cause.

JAMES H. W. VIVIANS

- Carly Kinglan Solicitors for Complainant

STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned Motary Public, / Elliott G. Rickarby, who being sworn says that he is of counsel for Complainant in this cause and that he is informed and believes that the foregoing statement is true.

Colite & October, 1951. ୍ରିSubscribed and sworn to belore

Motary Public, Baldwin County, Alabama

JAMES H. W. VIVIANS
Complainant

VS

DORIS C. VIVIANS,

INTERROGATORIES TO COMPLAINANT WITNESS FOR HIESELF

FILED OUT 9/1951

ALICE J. DUCK, Register

James Howard Wilson Vivians, Ji	THE STATE OF ALABAMA
vs.	Baldwin County
Doris Currie Vivians	_ IN EQUITY
	 Circuit Court of Baldwin County
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