

MARY VIRGINIA TUCKER,
Complainant, }

vs.

ANDREW F. TUCKER,
Respondent. }

Equity No. _____

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Testimony of MARY VIRGINIA TUCKER, the Complainant.

The said witness, MARY VIRGINIA TUCKER, being first duly and legally sworn, upon examination by the Solicitor for the Complainant, testified as follows:

"My name is MARY VIRGINIA TUCKER. I am the Complainant in this cause, and I am over the age of twenty-one years. For more than three years next preceding the filing of this Bill of Complaint in this cause, I was a bona fide resident citizen of the State of Alabama, residing at Bay Minette, Alabama.

ANDREW F. TUCKER, the Respondent in this cause is over the age of twenty-one years and is a resident citizen of the State of Alabama, residing at Besserman, Alabama.

The said Andrew F. Tucker, the Respondent, and I were married at Perdido, Baldwin County, Alabama, on September 1, 1938, but we never lived together as man and wife. On the day we were married, the said Andrew F. Tucker, the Respondent, cursed and threatened me so violently as to cause me to believe that if I lived with him as his wife he would carry out his threats and do actual violence to my person and that it would be dangerous to my life and health to live with him as his wife. I actually believe that the Respondent would carry out his threats and do actual violence to my person and that it would be dangerous to my life or health if I should continue to live with him as his wife. The actions of the Respondent were without cause or fault on my part."

Mary Virginia Tucker

STATE OF ALABAMA, }

BALDWIN COUNTY. }

I, H. E. Smith, Commissioner in the above-styled cause, hereby certify that on the 22 day of ~~November~~ March, 1941 I caused the witness, MARY VIRGINIA TUCKER, whose name is subscribed to the foregoing testimony, to appear before me at my office, in Bay Minette, Alabama, where, after being duly and legally sworn, and upon examination by T. J. Mashburn, Jr., Solicitor for the Complainant, she testified as hereinabove set forth; that her testimony was taken down as near as might be in her language, and that after being written down, was read over and signed by her in my presence. I further certify that I am neither counsel nor of kin to either party in said cause, or in any way interested in the result thereof.

Witness my hand and seal this the 22 day of ~~November~~ March, 1941.

H. E. Smith (SEAL)
Commissioner.

MARY VIRGINIA TUCKER,
Complainant,
vs.
ANDREW F. TUCKER,
Respondent.

Equity No. _____
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

Testimony of Rachel V. Cain for
the Complainant.

The said witness, Rachel V. Cain, being
first duly sworn, upon examination by the Solicitor for the Com-
plainant, testified as follows:

"My name is Rachel V. Cain and I am the
Mother of the Complainant. I am over the age of twenty-one
years. At present I live at Plateau, Alabama, but I was living
at Bay Minette, Alabama, at the time of my daughter's unfortunate
marriage.

Mary Virginia Tucker has been a bona fide resident of
the State of Alabama for more than three years next preceding the
filing of the Bill of Complaint in this cause.

I know that Mary Virginia Tucker was married to Andrew
F. Tucker on September 1, 1938 at Perdido, Alabama. It is my
information and firm belief that on the very day of their marriage
the said Andrew F. Tucker abused the Complainant and threatened to
do actual violence to her person. It is my information ^{AND FIRM BELIEF} that if
she should continue to live with him as his wife, he would carry
out his threats and do actual violence to her person and that it
would be dangerous to her life or health. I know that Mary Virginia
Tucker never lived with the said Andrew F. Tucker as his wife, and
I know that he has never supported her in any way. It is my infor-
mation and firm belief that his violence was without cause or fault
on the part of Mary Virginia Tucker."

Rachel V. Cain

STATE OF ALABAMA, }
BALDWIN COUNTY. }

I, H. E. Smith, Commissioner in the above-
styled cause, hereby certify that on the 26 day of March, 1941,
I caused the witness, Rachel, whose name is sub-
scribed to the foregoing noted testimony, to appear before me at
my office in Bay Minette, Alabama, where, after being duly and
legally sworn, and upon examination by T. J. Mashburn, Jr., Solicitor
for the Complainant, she testified as hereinabove set forth; that
her testimony was taken down by me as near as might be in the lan-
guage of herself, and that after being written down, was read over
and signed by her in my presence. I further certify that I am
neither counsel nor of kin to either party in said cause, or in any
way interested in the result thereof.

Witness my hand and seal this the 26 day of March, 1941.

H. E. Smith (SEAL)
Commissioner.

THE STATE OF ALABAMA, }
Baldwin County.

No. 571 Circuit Court, In Equity

MARY VIRGINIA TUCKER, Complainant.....

vs.

ANDREW F. TUCKER, Defendant.....

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, ~~decreed~~ ^{Answer} and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, be permitted to resume her maiden name, viz: Mary Virginia Cain;

It is further ordered that the said Mary Virginia Tucker and Andrew F. Tucker ^{are} ~~they~~ hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Mary Virginia Tucker, the Complainant, pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said Andrew F. Tucker.

It is further ordered, adjudged and decreed that said Mary Virginia Tucker. shall not again marry except to said Andrew F. Tucker, until sixty days after this date, and that if an appeal is taken within sixty days ^{s.} he shall not marry again except to said Andrew F. Tucker, during the said pendency of appeal.

This 29th day of March, 1941. -193-

J. W. Ware
Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }
Baldwin County.

Circuit Court, In Equity.

I, _____ Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____ 193__ in the cause of _____

Complainant.....

vs.

Defendant.....

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____ 193__

Register

571

MARY VIRGINIA TUCKER,
Complainant,

VS.

ANDREW F. TUCKER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

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

Comes your Complainant, Mary Virginia Tucker, and humbly complaining against the Respondent, Andrew F. Tucker, respectfully represents and shows unto your Honor and this Honorable Court the following facts as a basis for the relief hereinafter prayed:

1. That both your Complainant and the Respondent are over the age of twenty-one years; that your Complainant is a bona fide resident of Baldwin County, Alabama, and has been for more than three years next preceding the filing of this Bill of Complaint; that the Respondent is a resident of Jefferson County, Alabama, residing at 209 - 2nd Avenue, Pratt City, Alabama.

2. That your Complainant and the Respondent are husband and wife, having intermarried at Perdido, Alabama, on September 1, 1938; that they never lived together as husband and wife.

3. That on the very date of their marriage the Respondent abused and threatened your Complainant; that the conduct of the Respondent was such as to give your Complainant reasonable apprehension to believe and she does actually believe that the Respondent would carry out his threats and do actual violence to her person and that it will be dangerous to her life or health if she continues to live with him as his wife.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said Andrew F. Tucker 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 upon a final hearing of this cause, your Honor will give and grant unto her a decree of divorce forever barring the bonds of matrimony existing between her and the Respondent, ANDREW F. TUCKER, and that your Honor will grant and restore to her the right to use her maiden name, MARY VIRGINIA CAIN; Complainant prays 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.

J. J. Mashburn, Jr.
Solicitor for the Complainant.

FOOT-NOTE:

The Respondent, ANDREW F. TUCKER, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 3, inclusive, but not under oath, oath being hereby expressly waived.

J. J. Mashburn, Jr.
Solicitor for the Complainant.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO H. E. Smith;

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

Mary Virginia Tucker and Rachel V. Cain

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Mary Virginia Tucker

is Complainant

and

Andrew E. Tucker,

is Defendant,

on oath to be by you administered, upon them

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

Witness 20th day of March, 19 41.

R.S. Duch

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

MARY VIRGINIA TUCKER,
Complainant,

VS.

ANDREW F. TUCKER,
Respondent.

EQUITY NO. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

ANSWER OF RESPONDENT.

Comes now, ANDREW F. TUCKER, Respondent in the above styled cause, and for answer to the Bill of Complaint filed in said cause, says:

1. That he denies each and every allegation of the said Bill of Complaint, separately and severally.

2. Respondent hereby expressly waives service and notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of notice of the time and place set for taking same; of the right to cross-examine Complainant's witnesses; of the right to introduce evidence his own behalf.

3. He further agrees that the said cause may be submitted for final decree at any time on the pleading and on complainant's evidence as noted by the Register.

4. He prays that, if the Honorable Court renders a decree against him as prayed by the Complainant, it will grant him the right to re-marry.

Andrew F. Tucker
Respondent.

original

No. 571

RECORDED

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.**

Mary Virginia Tucker,

Complainant,

vs.

Andrew F. Tucker,

Respondent.

DECREE OF DIVORCE

Filed in office this 31st

day of March, 1941 1941

R. S. Buels
REGISTER

F. O. M.

MOORE PRINTING CO., FAY MINETTE, ALA.

Local Depositors

*Filed March 29, 1941
R.S. Ducker, Register*

Chinell

Mary Higgins
Tuckers
VS. Camp.

Andrew F. Tuckers
Recd.

~~Arthur~~
An Equity

Filed Sept 27 1938
R. B. DICK
Clerk, Register

By Mary Higgins
Deputy

RECORDED

8-1194

RECORDED 5771

BILL OF COMPLAINT.

RECORDED

8-11-94

MARY VIRGINIA FUCKER,

Complainant,

VS.

ANDREW F. FUCKER,

Respondent.

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

Filed this the ^{21st} ~~24th~~ day

of September, 1939.

R. S. Duck, Clerk,

By *Paulie Morgan, Deputy*

T. J. MASHBURN, JR.

LAWYER

BAY MINETTE, ALABAMA

 MARY VIRGINIA TUCKER,

 Complainant,

 vs.

 ANDREW F. TUCKER,

 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, _____
 Answer & Waiver of The Respondent; Commission to take deposition;

 Testimony of Mary Virginia Tucker, and Rachel V. Cain; Request for
 Decree;

and in behalf of Defendant upon Answer & Waiver;

R.S. Smith

Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 571

Term, 193

MARY VIRGINIA TUCKER,

, Complainant

Vs.

ANDREW F. TUCKER,

, Defendant

R. S. DUCK,

To _____, Register :

Answer & Waiver having been filed by

In the above stated cause a ~~Decree~~ ~~and~~ ~~Confession~~ ~~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 T. J. Mashburn, Jr.

_____ 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.

T. J. MASHBURN, JR.

Solicitor for Complainant.

RECORDED.

o. _____ Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Vs.

**REQUEST FOR DECREE IN
VACATION**

Filed March 28, 1941

R. S. Duch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 28

day of March 1981

R. S. Pugh

REGISTER