

12211

The State Of Alabama, Baldwin County  
CIRCUIT COURT, IN EQUITY

OCTAVIA G. SMITH Complainant

VS

GEORGE SMITH Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decrees Pro Confess~~  
~~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 here-  
tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved,  
and that the said Octavia G. Smith  
is forever divorced from the said

George Smith

for and on account of Cruelty

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 both parties

be, and are hereby permitted to again contract marriage upon the payment of the cost of  
this suit.

It is further ordered that George Smith  
the Respondent pay the cost herein to be taxed, for which execution may issue.

This 16<sup>th</sup> day of November, 19 44.

*J. W. Hare*  
Judge Circuit Court, in Equity.

I, ROBERT S. DUCK, Register of the Circuit  
Court of 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 November, 19 44.

Register of Circuit Court, in Equity.

*Witness*

No. .... Page .....

**The State Of Alabama**

Baldwin County

In Circuit Court, In Equity

..... OCTAVIA G. SMITH .....

vs. Complainant.

..... GEORGE E. SMITH .....

Respondent.

**DIVORCE DECREE**

*Octavia B. Smith*  
*Complainant*

VS.

*George Smith*  
*Respondant*

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 and Waiver*

and in behalf of Defendant upon \_\_\_\_\_

*Answer and Waiver*

*R. S. Huck* Register.

No. 1221

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The State of Alabama,  
BALDWIN COUNTY

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IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

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*Octavia G. Smith*

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VS.

*George Smith*

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NOTE OF TESTIMONY

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Filed in Open Court this 3<sup>rd</sup>

day of Nov 1944

*R.S. Luck*  
Register.

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

Comes OCTAVIA G. SMITH, and by this her Bill of Complaint, presented against GEORGE SMITH, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years; that both are now and have been for more than five years bona fide residents of Baldwin County, Alabama.

SECOND: That Complainant and Defendant were married at Point Clear, Alabama, on September, 1937, but have not lived together since October 30, 1944.

THIRD: For the past two years Complainant has suspected Defendant of being untrue to her but has only recently obtained proof of his adultery. She now charges Defendant with adultery committed with a woman formerly in this County but recently living in Ohio and who returned to Baldwin County on a visit.

FOURTH: That Defendant is a man of dangerous character and high temper and whenever any mention of his improper relations is made, and often without any apparent cause, flies into a rage and has threatened Complainant's life on a number of occasions, and now that she has actual knowledge of his infidelity he is worse. She now fears to continue to live with Defendant because from his threats and his other actions she has ample grounds to fear violence and possibly death at his hands.

THE PREMISES CONSIDERED, Complainant prays that GEORGE SMITH 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 her from said George Smith, granting her the right to marry again should she so desire, and to have such other, further or different relief as to equity may seem meet.

*Elliot S. Rinkley*  
Solicitor for Complainant.

OCTAVIAG. SMITH  
Complainant

E Q U I T Y

vs

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

GEORGE SMITH  
Respondent

Comes GEORGE SMITH, Respondent in the above styled cause,  
and his answer to the Bill of complaint says he denies each and  
every allegation of same.

Respondent hereby waives notice of demand for oral ex-  
amination of Complainant's witnesses; of the issue of commission  
to take testimony of the time and place set for taking same  
and of the right to introduce evidence in his own behalf. He  
further agrees that this cause may be submitted for final decree  
at any time on the pleading and Complainant's evidence as noted  
by the Register.

  
Respondent.

Before me the undersigned Notary personally appeared  
GEORGE SMITH who acknowledged that he executed the foregoing  
answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 30th day of  
October, 1944.

  
Notary Public, Baldwin County, Ala.

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Octavia G. Smith  
Complainant

vs.

George Smith  
Respondent

Answer and Waiver

*[Handwritten signature and notes]*

OCTAVIA G. SMITH  
Complainant

E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

vs

GEORGE SMITH  
Respondent.

DEPOSITIONS OF OCTAVIA G. SMITH AND ALICE BRYANT

WITNESSES FOR COMPLAINANT

The said witnesses appearing before me at the times and places hereinafter stated and being first duly sworn upon examination for the solicitor for the Complainant, testified as follows;

OCTAVIA G. SMITH

I am the Complainant in this cause and I am over the age of twenty-one years and a native of Baldwin County. I have lived at Point Clear, Alabama, all my life. On September 7, 1937, I married George Smith in Mobile and have lived with him as husband and wife up to the present time. He also is over the age of twenty-one years and a resident of Baldwin County. I had been married before and have children by my earlier marriage.

For the last two years I have known that my husband was untrue to me and was carrying on with another woman. I tried to get him to stop doing this but he would always indignately deny it and fly into such a rage that both I and my daughter, who lives with me would be afraid of him, and so I put up with this as long as I could. Sometime ago this girl with whom he is intimate, went away but she has been back twice, the second time recently and he has been spending much of his time with her. I have finally obtained positive proof that he has been committing adultery with her within the past month and this I know to be a fact even though I do not know just when and where these acts were committed. Since he has learned that I know what he is doing he has become even more quarrelsome and dangerous and on several occasions has flown into a rage without any provocation and has threatened to kill me. I know him to be a dangerous man and one who may carry this threat into effect at any time. Not only I, but my daughter and her husband live in constant fear of our lives. I cannot endure this condition of fear any longer knowing the man to be what he is. I could stand his unfaithfulness but as long as I am tied to him I am in constant fear for my life and that of my daughter.

Octavia G. Smith

ALICE G. BRYANT

I am a daughter of Complainant, over the age of twenty-one years and with my husband live at my mother's home at Point Clear. For the past two years her relation with my step-father have been most unhappy. He has been carrying on with a younger woman in the neighborhood, a woman who has been married but is separated from her husband and he has been with her constantly under such conditions that all of us know his relations with her are improper. My mother has tried to get him to give her up but he flies into a rage at the mention of her name and has repeatedly, in my presence, threatened to kill my mother if any mention was made of this. For a while this

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woman went North but returned about a month ago and George Smith started in with her again immediately, and the relations between the two were no secret. My mother cannot endure this longer and is afraid that her husband will carry out his threats to kill her and possibly my husband and me and knowing this man to be what he is, a dangerous man with a high temper, we are all afraid for our lives.

Alice G. Bryant

Subscribed and sworn to before me this the 1st day of November, 1944.

Notary Public, Baldwin County, Ala.

CERTIFICATE

I, G. E. Perkins acting as Commissioner by agreement of parties hereby certify that in the case of OCTAVIA G. SMITH Complainant vs GEORGE SMITH, Respondent pending on the Equity side of the Circuit Court of Baldwin County, I caused Octavia G. Smith and Alice G. Bryant, Witnesses for Complainant to appear before me at the office of Complainant's solicitor in Fairhope, Alabama, after being duly sworn upon examination by the solicitor for Complainant they testified has hereafter set out and their testimony after being reduced to writing was read over and signed by them.

I, therefore, certify that I am neither of counsel nor kin to either parties to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereby set my hand and official seal as Commissioner this the 1st day of November, 1944.

G. E. Perkins  
Commissioner.

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William Smith

W

George Smith

William

f

W

11-3-44

P.S. Smith  
Request