

Dofferson County Circuit Court
Case File - Civil

Box 22 Folder 9

September 1868, #216

Hine, Lymon T.

vs

Hine, Rebecca E.

Divorce

Desertion; depositions from Ohio

Lyman T. Hine }

v.s.

Rebecca E. Hine }

Plaintiffs Petition in
Divorce to the Circuit
Court for the County of Jefferson State of
Missouri.

The Plaintiff, Lyman T. Hine
being a resident of the State of Missouri
alleges that in the month of July A.D.
1862 his wife Rebecca E. Hine left his
house and home and has been absent
since that time and has never returned
to live with him as his wife and has
never had any connection or held any
correspondence with him since the year
1862 aforesaid, but has kept herself entirely
absent from him for more than six years
without reasonable cause.

Now therefore the
said Plaintiff petitions said Court to annul
the marriage contract between the said parties
and to grant the said Lyman T. Hine a
bill of divorce from his wife Rebecca E.
Hine for the reasons set forth as above,
to wit, absenting herself from him for
more than six years without reasonable
cause.

This affirms the Plaintiff makes oath

and says that the facts stated in the above
Petition are true according to the best
knowledge and belief of the Plaintiff,
and that the Complaint is not made
out of Scurvy or Collusion, fear or
restraint between the Plaintiff and
Defendant for the mere purpose of
being separated from each other but
in sincerity and truth for the cause
mentioned in this Petition

Subscribed & sworn to

before me this Sept. 22nd 1868,

Elias & Henry A. Kersch

By Tho. Horne Sept,

Suprem I Horne

No 216
2474

Sydney J. Hine
" "
Rebecca & Hine
San Antonio

Filed Sept 22 1885
Anthony & Co

The State of Missouri, COUNTY OF JEFFERSON.

BE IT REMEMBERED, That on this 16th day of May A. D. 1869, before me, the undersigned Clerk of the Sci. Circ. Court of Jefferson county, came Frank N. Stone, who being by me duly sworn, says that the annexed advertisement was published in the **JEFFERSON DEMOCRAT**, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for 7 times, the first insertion being on the 5th day of February, 1869, and the last on the 24th day of February, 1869, as follows, to-wit:



In No. 3,	February 5, 1869,
In No. 4,	" " 12, 1869.
In No. 5,	" " 28 1869.
In No. 6,	" " 26 1869.
In No.	186

Frank N. Stone

Sworn to and subscribed before me this 16th day of May, 1869.

Chas. J. H. Stone Clerk.

Printer's Fee..... 10.00
Affidavit..... 25

Received Payment.....
By L. H. Stone

\$10.25

Order of Publication.

STATE OF MISSOURI—County of Jefferson: In the Circuit Court, November 27th, 1868. Be it remembered that in the Circuit Court for the county aforesaid, on the 27th day of November, 1868, among other proceedings of that day the following appears of record, to-wit:

Lyman T. Hine vs. Rebecca E. Hine;
For Divorce.

Now, at this day comes the plaintiff, and shows to the satisfaction of the Court, that said defendant, Rebecca E. Hine, is a non-resident of the State of Missouri, and cannot be summoned in this action by the ordinary process of law. It is therefore considered by the Court that publication be made, notifying said defendant that an action has been commenced against her in the Circuit Court of said county, the object and general nature of which is to obtain a decree for divorce from the bonds of matrimony existing between plaintiff and defendant, upon the grounds of abandonment. And unless she be and appear before said Court, on the first day of the next term thereof, to be begun and held at the Court House in Hillsboro, in said county, on the seventh Monday after the fourth Monday of March, 1869, and on or before the fifth day of said term, answer or demur to said petition, the same will be taken as confessed and judgment rendered accordingly. And it is further ordered that a copy hereof be published in the Jefferson Democrat, a newspaper printed and published in the State of Missouri, for four weeks successively, the last insertion to be at least four weeks before the said first day of next term.

A true copy from the Record. Witness

{  } my hand and the seal of said
SEAL. } Court, hereunto affixed, at office,
this 28th day of January, 1869.

ELIAS F. HONEY, Clerk.

By C. Tho. Himes, Dep.

In Circuit Court Jefferson County
Lyman T. Haine Plaintiff

vs
Rebecca E. Haine Defendant

To Rebecca E. Haine
You are hereby notified that
depositions of witnesses to be read in evidence
in the above cause on the part of the plaintiff
will be taken at Crestline in the County of
~~Portage~~^{Crawford} and at Ravenna in the County of Portage
in the State of Ohio the deposition of Ellis Davis
will be taken before J. Newman a Notary Public
at his office in Crestline on the first day of
November A.D. 1869 at between the hours of 8 o'clock
A.M. & six o'clock P.M. of that day - and that
the deposition of Silas Crocker will be taken to be
read in evidence in said cause on the ninth
day of November A.D. 1869 before ^{a Notary Public} C. F. Halfeld,
at his office in Ravenna in Portage County in
the State of Ohio between the hours of eight o'clock
A.M. & six o'clock P.M. of that day and if
not completed on said day to be continued
from day to day and between the same hours
until completed -

La Leonard

Plffs Atty

State of Missouri }
County of Jefferson } 58

He Edward being duly sworn
says that he put the within notice in the
office of the Clerk of Circuit Court within
the time required by law -

Subscribed & sworn to before J. Edward
on this 16th day of October ¹⁸⁶⁹ at
1869, Elias P. Henry clerk }
By L. H. Gifford }
Subscribed and sworn

County of Brown
State of Missouri

To J. Newman Clerk of the Court in
Crawford Co Ohio & E H Hatfield at Ravenna Ohio

Know ye that we in confidence of your prudence & fidelity do by these presents authorize you to cause to come before you to be examined as witnesses in a cause depending in our Circuit Court of Jefferson County in the State of Missouri wherein Lyman J Hine is plaintiff and Rebecca E Hine defendant all and every such person and at such time and place as shall be named to you for that purpose by the said Lyman J Hine his Attorney or agent and we command you to examine all and every such person upon his oath or solemn affirmation first made or taken before you to testify the whole truth touching this knowledge of anything relating to said matter in controversy between the said parties and that you do take their examinations and reduce the same to writing. When you shall have taken their examination you are to cause the witnesses to sign the same and to that and each examination at the foot thereof you are to append your Certificate setting forth the facts that the examination was subscribed and sworn to or affirmed by the witness and the day as well as between what hours of the day, on which it was done and also the

place of residence of the witnesses (if known to you) Should any paper or exhibit be produced or proven or be referred to by the witness you are to describe the same in his paper or ~~exhibit~~ examination or cause it to be so marked by him as to establish its identity and to attach the same to his examination. The examination thus taken you will cause to be accompanied by a Certificate of your official Character by the Seal of State or should it be more convenient such authentication and proof of your official Character may be made by the Certificate and Seal of the Clerk of any Court of Record of any County of the State district or territory in which you reside stating also, in addition to the facts of his being Clerk and that the Court is one of Record that at the time when the depositions were taken you were an acting Notary Public

and duly Commissioned as such. And you will return the same and all exhibits produced ^{to} you annexed hereto carefully closed up and under your Seal directed to the Clerk of the Circuit Court of Jefferson County in & for the County of Jefferson Missouri with the names of the parties litigant endorsed thereon

With all convenient speed
Witness my hand this 27th day of
October A.D. 1869

James H. Vail Judge

In

Instructions for taking depositions
The officer taking

State of Ohio Crawford County S.S.

Deposition of witness, produced, sworn and
examined, on the 1st day of November
in the year of our Lord 1869 between
the hours of eight o'clock in the forenoon
and six o'clock in the afternoon of that
day, at Crestline in the County of Crawford
and State of Ohio, before me F. Newman
a Notary Public in a certain cause,
now depending in the Circuit Court of the
County of Jefferson ~~in the~~ State of Missouri, between
Lyman F. Hine plaintiff and Rebecca
E. Hine defendant, on the part of
the Plaintiff

Ellis Davis of lawful age, being
produced, sworn and examined, on the
part of the Plaintiff deposes and says

Question 1- What is your name?
Ans. Ellis Davis;

Ques 2. Where do you reside?
Ans. Crestline Crawford Co Ohio

Ques 3. What is your age?
Ans. 28 yrs.

Ques 4. What is your occupation?
Ans. Cashier Citizens Bank, Crestline O

Ques 5. Are you acquainted with Lyman J. Hine & how long have you known him
Ans. I am. About 8 yrs.

Ques 6. Were you acquainted with the defendant Rebecca E. Hine the wife of Lyman J. Hine when they lived together?
Ans. I was.

Ques 7. How long was you acquainted with them?
Ans. About 10 months

Ques 8. Do you know when they were married?
Ans. I do. In Sept. ~~1860~~ 1861

Question 9. Do you know ~~what~~ anything about the domestic relations of Lyman J. Hine and Rebecca E. Hine if so state what you know
Ans. I do not.

Question 10. Do you know whether the defendant Rebecca E. Hine abandoned the plaintiff

and if so state what you know of it,
& when - Ans. She did in July ~~1862~~ 1862

Question 11. Do you know how the plaintiff
treated the defendant?

Ans. Know nothing but - that he always treated her kindly

Question 12. Do you know how the defend-
ant treated the plaintiff?

Ans. I do not.

Question 13. State all that you know of
the defendants abandoning the plaintiff
when & where it was done and all
matters & things that may be pertinent
therein to show the relations of
said parties - and how the plain-
tiff had conducted himself as a husband
& how the defendant conducted herself
as a wife during your acquaintance
in their married relations -

Ans. The defendant abandoned the plaintiff
July 1862 while residing in Holersville
Portage Co., Ohio. where I resided at that
time. I know of no difficulty arising
between the two. I was a frequent visitor
at their house and never saw anything
but friendly feelings exist between the two.

Ellis Davis
(A.S.)

Subscribed and sworn to before me, on
the day, at the place, and within the
hours first aforesaid.

F. Newman

Notary Public

I Frederick Newman within and for the
County of Crawford in the State of Ohio do
certify, that in pursuance of the within
commission, and notice, came before me,
at Crestline in the county and State last
aforesaid Ellis Davis, who was by me
personally sworn to testify the whole truth
of his knowledge touching the matter in
controversy aforesaid; that he was examined
and his examination reduced to writing,
and subscribed by him, in my presence,
on the day, between the hours, and at the
place in that behalf first aforesaid, and
his said depositions ^{are} now herewith returned.
And I further certify that said Ellis
Davis is resident of said County of Crawford
in the State of Ohio.

Given at Crestline in the county of Crawford
and State of Ohio on this first day of November
1869

F. Newman
Notary Public



The State of Ohio, Hamilton County, ss.



J. THOMAS COOPER, Clerk of the Court of
Common Pleas, a Court of Record in and for said County,
do hereby certify that J. Newman whose
name is subscribed to the foregoing instrument in writing,
was, at the date of the signature, a

Notary Public

in and for said county, and duly authorized by law to take
acknowledgments of Deeds and other instruments of writing. That I am acquainted with
the handwriting and verily believe the signature to said certificate to be genuine, and that
the said instrument, is executed and acknowledged according to the laws of the State of Ohio.

In witness whereof I herunto subscribe my name and affix the seal of said Court at

Cuyahoga, this 1st day of November 1869.

Thomas Cooper Clerk.

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State of Ohio Portage County ss.

Deposition of witness produced, sworn and examined,
on the 9th day of November 1869 between the hours of
eight o'clock in the forenoon and six o'clock in the
afternoon of that day at Revere in the County of
Portage and State of Ohio, before me E. P. Mayfield
a Notary Public in a certain cause now depending
in the Circuit Court of the County of Jefferson
in the State of Missouri between Lyman T. Hine
plaintiff and Rebecca E. Hine defendant
on the part of the Plaintiff

Silas Crocker of lawful age being produced sworn
and examined on the part of the Plaintiff deposeth
and saith

Question 1 What is your name?

Answer Silas Crocker

Quest 2 Where do you reside?

Ans. In Shalersville Portage County Ohio

Quest 3 What is your age?

Ans. Seventy years

Quest 4 What is your occupation?

Ans. Farmer mechanic and Surveyor

Quest 5 Are you acquainted with Lyman T. Hine & how long have known him?

Ans. I am, and have known him from his childhood

Quest 6 Were you acquainted with the defendant Rebecca E. Hine
the wife of Lyman T. Hine when they lived together?

Ans. I was

Quest 7 How long were ^{you} acquainted with them?

Ans. They lived together about ten months

Quest 8 Do you know when they were married?

Ans. I do, they were married Sept 8, 1861

Quest 9 Do you know anything about the domestic relations of
Lyman T. Hine & Rebecca E. Hine if so state what you know?

And to quest 9 - I know of nothing uncommon in their domestic relations

Quest 10 Do you know whether the defendant Rebecca E. Hine abandoned the Plaintiff and if so where you know of it, and when?

Ans - The defendant Rebecca E. Smith left the Plaintiff in the month of July 1862 and has not lived with him since

Quest 11 Do you know how the Plaintiff treated the defendant?

Ans - He always appeared to treat her with due consideration and kindness

Quest 12 Do you know how defendant treated Plaintiff?

Ans - I know nothing in particular about it

Quest 13 State all that you know of the defendant's abandoning the Plaintiff when and where it was done and all matters and things that may be pertinent therein to show the relations of said parties and how they had conducted themselves towards each other ~~as~~ as husband and wife, during your acquaintance with them in their married relations

Ans - The defendant went away and left the Plaintiff in the month of July 1862 while residing in Shalersville Portage County Ohio - where I resided at that time - I was frequently at their house when they lived together, I never knew of any difficulty between them, they always appeared friendly and kind in their relations to each other

Silas Cracker

Subscribed ~~to~~ and sworn to before me on the day at the place and within the hours first aforesaid

E. P. Hatfield
Notary Public

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I E. P. Hatfield within and for the
County of Portage in the State of Ohio do certify
that in pursuance of the within commission
and notice came before me at Ravenshoe in the
County last aforesaid Silas Crocker who read by
me sworn to testify the whole truth of his knowledge
touching the matter in controversy aforesaid
that he was examined and his examination
reduced to writing, and subscribed by him in my
presence on the day between the hours and at the
place in that behalf first aforesaid, and his said
deposition is now herewith returned.

And I further certify that said Silas Crocker is resident
of said County of Portage in the State of Ohio
Given at Ravenshoe in the County of Portage and State
of Ohio on this ninth day of November 1869.

E. P. Hatfield

Notary Public

Fees of Notary 1.75
Paid by Plaintiff

E. P. Hatfield
N.D.



My dear Sir
Bellevue Hotel

2477

Bellevue Hotel
New York
May 17 1869

The State of Ohio,
Portage County.



I, Andrew Jackson, County Clerk, and Clerk of the Court of Common Pleas, within and for the County of Portage and State of Ohio, do hereby certify that *E. J. Hatfield* Esquire, before whom the foregoing and annexed

Acknowledgment was taken, was at the time of taking the same a *Notary Public* in and for said County, duly commissioned and sworn, and to all whose official acts, as such, full faith and credit are due, and that the foregoing signature purporting to be his, I believe to be genuine; and that said instrument is executed and acknowledged as required by the Statutes of this State.

In witness whereof, I have hereunto subscribed my name and affixed the seal of said Court at Ravenna, this *Ninth* day of *November* A. D. 186*9*
Andrew Jackson Clerk.

By *.....* Deputy Clerk.