

Jefferson County Circuit Court
Case Files - Civil
November 1868, No. 199

Box 22 Folder 59

Harness, Margaret, by next friend
Williams, Joseph J.

^{vs.}
Harness, Elias

Divorce

Abuse; adultery; children Ephraim,
Hatty, William; defendant counter
claimed desertion

Margaret Barnes by
Jos. J. Williams her next-
friend
vs
Elias Barnes

In the Circuit
Court of
Jefferson County
Missouri

Plaintiff by her next-friend
Joseph J. Williams states that she was
lawfully married to Defendant in
Jefferson County Missouri on the
day of 18 that
she continued to live with Defendant
as his wife from and after the day
and year last aforesaid till the
day of 1868 during
all of which time she faithfully
demeaned herself as the wife of
Defendant and at all times treated
him with kindness and affection
but that Defendant wholly disregard-
ing his duties as the husband of
plaintiff was on the day of
1868 and on divers other
days and times previously thereto
during said marriage guilty of
such cruel and barbarous treat-
ment of plaintiff as to endanger
the life of plaintiff -

Plaintiff says further that
There were born of said Marriage
Children of Tender Years
respectively of the following
names ages and sex

Plaintiff says further that she
has resided within this State one
whole year next before the filing
of this Petition,

Plaintiff further says
that the Defendant is seized and
possessed of Real and personal
property of the value of
Dollars

and that she is wholly without
the means for her Support or
for the prosecution of this Suit
the Plaintiff therefore prays
the Court that she may be
Divorced from the Bonds of
Matrimony contracted as aforesaid
with the Defendant; that she
may have the Care and Custody of
her said infant Children, and

That the Court will adjudge to
her such Support and ~~maintain-~~
~~ance~~ Maintenance out of the
property of said Defendant and for
such time as the nature of the Case
and the Circumstances of the parties
may require & if necessary to compel
the Defendant to give security for such
Maintenance & to make such further
orders from time to time touching the
same as may be just & such other &
further orders & judgments touching
the premises as may be proper

Jos. J. Williams
Atty. for plaintiff

This affiant the plaintiff on her oath
says that the facts stated in the
above petition are true according to the
best knowledge and belief of the plaintiff
& that the Complaint is not made out of
Levity or ^{by} Collusion fear or restraint—
between the plaintiff & Defendant for
the mere purpose of being separated
from each other but in sincerity and truth for
the causes mentioned in the petition

Margaret Harness
by next friend

vs

Oliver Harness

Action for Divorce

original

Filed July 21 '78
E. J. Honey Cl.

Clerk Issue process

Josef Williams

Att. for plff.

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Elias Harness*

if he be found in your County, that
he be and appear before the Hon. Judge of our Circuit Court, on the
first day of the next term thereof, to be begun and held at the town of Hillsboro,
within and for the County of Jefferson, on the *seventh* Monday after the
fourth Monday of *September 1868* then and there to answer unto
Margaret Harness

upon *her* original petition, a copy whereof is hereunto annexed and
accompanies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this
Twenty first day of *July* A.D. 1868

Elias F. Honey
Clerk Circuit Court.

No 199

TO

2960

JEFFERSON CIRCUIT COURT.

No 1 Term, 1865,

Margaret Harness

= vs =

Elias Harness

(original)

See annexes

John Williams

Sherriff fee \$1.00

Sept 23

I executed this writ in Jefferson County Mo, on the 23rd day of September 1865 on Elias Harness by delivering to him a true copy of this writ and petition

John Williams
Sherriff

Margaret Harness By } In the Circuit
her next friend } Court of
Joseph J. Williams } Jefferson
vs } County Missouri
Elias Harness

The Plaintiff by her next friend States
that she was lawfully married to the
Defendant in Jefferson County Missouri
many years ago to wit on the day
of 1861 that Plaintiff contin-
ued to live with Defendant as his
wife from and after their Marriage
as aforesaid until ~~the~~ about the first
of May 1868 that during all of which
time Plaintiff faithfully demeaned
herself & performed all her duties as
the wife of Defendant and at all times
treated him with kindness & affection
But that Defendant wholly disre-
garding his duties as the husband of
Plaintiff was on the day of the Sep-
aration of Plaintiff & Defendant ~~as~~
as aforesaid and at divers times
prior thereto guilty of such cruel and
barbarous treatment of Plaintiff
as to endanger her life and Plam-
tiff further avers that Defendant has
at divers times since the marriage

as aforesaid been guilty of Adultery
Plaintiff Says there were borne of the
marriage aforesaid nine Children
three of whom are minors under age
viz Ephraim a Son Hatty a Daughter
aged 16 years William a Son aged
thirteen, Plaintiff Says she has

resided within this State one whole year
next before the filing of this petition or the
institution of this suit & that Defendant
is seized & possessed of Real & personal
property worth three thousand dollars
& that Plaintiff is wholly destitute
of the means of her support or for the
prosecution of this suit Plaintiff
therefore prays the Court in
consideration of the premises that
the Court will adjudge and

Decree that the Bonds of Matrimo-
ny Contracted as aforesaid betw-
= een Plaintiff and Defendant
be dissolved and that
Plaintiff have the care and
Custody of her said infant
Children

28

63
201-31
212

201
212

And That the Court will ~~afford~~
adjudge and Decree that Plain-
-tiff recover off and from Said
Defendant Such Sum for her
alimony and Maintenance
from as the nature of the case and
the Circumstances of the Parties
the Court may deem just, and
that the Court will Compel the
Defendant to give Security for the
Same and that the Court
will make Such other orders
Judgments and Decrees touching
the premises as may be
just and proper

Jos. J. Williams
Atty. for Plaintiff

Margaret Barnes Plaintiff on her oath says
that the foregoing petition and the matters
stated therein are true and that the
complaint is not made out of envy or
by collusion fear or restraint between
the plaintiff and defendant for the mere
purpose of being separated from each other
but in sincerity & truth for the purposes as
stated in the petition
Sworn to and Subscribed
before me Nov. 11th 1868
J. H. McMullen, Clk. Jefferson Co. Court

} Margaret ^{her} Barnes
mark

~~Margaret Barnes~~
~~By Joseph J. Williams~~
~~her next friend~~

Witnesses for 1868.
Elizabeth Barnes
John Wilson &
Wm. Bergen -
Roll Kyle -
Isaac Bergen

Margaret Barnes
By next friend
Lee Barnes
Action for Divorce
Amended Petition
of Plaintiff

Dated Nov 18 '1868,
J. A. Honey CB,

Williams
for 1868.

Margaret Harness, By her }
 Next friend, Joseph J. Williams - Plaintiff }
 Against }
 Elias Harness, ————— Defendant }

} In the Circuit Court of Jefferson
 } County Missouri

The Defendant for Answer to the amended Petition of Plaintiff, filed on the 18th of November 1868, admits that he was married to Plaintiff many years ago, and that they lived together as husband and wife until about the first of September 1867. - But, defendant denies that during all that time, Plaintiff faithfully demeaned herself and performed all her duties as the wife of Defendant, and at all times treated him with kindness and affection. And Defendant ^{denies} that during that time, he wholly, or in part, disregarded his duties as the husband of Plaintiff, and denies that he on divers times, or at any time, prior thereto, was guilty of such cruel and barbarous treatment of Plaintiff as to endanger her life. - And Defendant denies that he, at divers times, since the marriage aforesaid has been guilty of adultery. And Defendant denies that he was at the commencement of this suit, or is now, possessed of Real and Personal Property worth three thousand dollars, - and denies that he did then, or does now, own any Real estate whatever, or that he owns any personal property of any consequence. And Defendant therefore denies that Plaintiff is entitled to a divorce ^{against him} from the bonds of matrimony aforesaid for any of the causes she has alleged ^{or to alimony or maintenance} against him, - and denies that there is any truth in any of such allegations.

Defendant charges that Plaintiff without any

Just Cause or Provocation, on or about the first day of September 1867, deserted and abandoned him, and has remained absent ever since, - And Defendant therefore charges that the Plaintiff has absented herself from the Defendant, without a reasonable cause, for the space of one year and upwards prior hereto, - And the Defendant further, ^{states} that Plaintiff on or about the first day of September 1867, during the absence of Defendant from home, came to his House and wrongfully and clandestinely, and unknown to Defendant, took and carried away a large amount of Household and Kitchen furniture, belonging to Defendant, of the value of fifty dollars, - And Defendant further charges that Plaintiff during said marriage has repeatedly offered such indignities to him as to render his Condition intolerable, - in this, that she has falsely and wrongfully accused him with having intercourse with other women, - and upon such unfounded charges, would become enraged, and lavish upon him the most shameful, indecent, and intolerable abuse,

Defendant therefore for the causes herein alleged and charges against Plaintiff, asks to be divorced from the bonds of matrimony, contracted with the Plaintiff as aforesaid.

Abner Green
} Attorney for the Defendant

This Affiant, the Defendant, makes oath and says that the facts stated in the above Answer are true according to the best knowledge and belief of the Defendant, and that the Complaint and charges therein is not made out of levity, or by collusion, fear or restraint, between the Plaintiff and the

Defendant, for the mere purpose of being separated from each other, but in sincerity and truth for the causes mentioned in said Answer,

Attest. L. H. Ayford,

Sworn to & Subscribed

before me this 26th day of

March, 1869

Elias T. Horneychurch

By L. H. Ayford Deput.

Elias ^{his} ~~X~~ Harness
mailed

In Circuit Court
Jefferson County

Margaret Harness
vs,

Elias Harness

Answer
(of Deft

Filed April. 7th 1869
Elias D. Honey Clerk

COUNTY OF JEFFERSON.

The State of Missouri,

To

James B. Bigham

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear

before our Circuit Court for the County aforesaid, on the

1869 at Hillsboro, then and there to testify, and the truth to say in a certain

matter of controversy, now pending in our said Court, wherein

He comes in

Plaintiff, and

Charles W. Barnes

Defendant, on the part of

Plaintiff

and herein you are in no wise to

fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this 16 day of June A. D. 1869

E. F. Honey Clerk.

By J. H. Bigham

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1869

Margaret Hanness

E Hanness

vs
Plff

Polly Kyle &

Isaac Burque

The within was served, on the 23rd day of April a 1869, at Jefferson
County Mo by reading the same within the presence and hearing of the said
Polly Kyle and Isaac Burque and

Dec 1869

James D. Howard
Deputy Sheriff

deputy

COUNTY OF JEFFERSON,

The State of Missouri,

To *Whose Honor and Title may*

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear

before our Circuit Court for the County aforesaid, on the

1869

at Hillsboro, then and there to testify, and the truth to say in a certain

matter of controversy, now pending in our said Court, wherein

Plaintiff, and

is
Eliza Starnes

Defendant, on the part of

Co
Plaintiff

and herein you are in no wise to

fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this *16* day of *April* A. D. 1869

E. F. Honey

Clerk.

By J. H. Honey, Jr.

2960

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869

Margaret Hearness
 Elias Hearness
 fr. Peff
 Elizabeth Hearness
 John Tellis man,
 + Mrs Bergan

The within was served on the 23rd day of April A.D. 1869 at Jefferson Co
 Mo by reading the same within the presence and hearing of the said
 Elizabeth Hearness and John Tellis man. He said ~~for~~ Bergan
 can not be found in my County
 fees 1 ²⁵/₁₀₀

for
 paid court money for Sheriff

Deputy

COUNTY OF JEFFERSON,

The State of Missouri,

To *Richard Hannes Wurgan, & Sally Kyle*

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the, *18th day of June 1869* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Margaret Hannes* Plaintiff, and, *Oliver Hannes* Defendant, on the part of *both parties* and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this *3* day of *June* A. D. 186*9*

Elias F. Honey Clerk.

By Attestation of

SUBPOENA

To Jefferson Circuit Court.

Nov 1, 1869

Margaret Harless

Elias W. Harless

Chapman
Harless

Wm Burgham

Polly Kyle

Heads Creek

By Fred Lusk Tenagers Sheriff
of Thomas Traction & P

Feas 150

Served the within Subpoena this 22 day of November 1869 by reading the same to the within named Elias W. Harless and Wm Burgham and Polly Kyle in their hearing and presence at Jefferson Court & mo.