

Jefferson County Circuit Court
Case Files - Civil

Box 26 Folder 56

September 1870

Hicks, Martha J.

vs.

Hicks, Samuel L.

Divorce

Martied March 1865; abuse; non-
support; children Pinky, Mary Hannah
Hicks

Martha J. Hicks, Plaintiff

vs

Samuel L. Hicks, Defendant

} In the Jefferson
Circuit Court
Sept Term 1870.

The Plaintiff states that she and Defendant were lawfully married in Jefferson County Missouri on or about the day of March 1865: that she and Defendant continued from the day and year last ^{except an interval of about 8 months} ~~of~~ ^{to live with Defendant as his wife} until the 5th day of March 1870: that during all that time she treated Defendant with kindness and affection but the Defendant wholly disregarding his duties as the husband of Plaintiff on or about the 1st day of March 1870 and on divers days prior and subsequent thereto was guilty of such cruel and barbarous treatment towards her as to endanger her life in this, that is to say, that he has struck her with his fists in the face and about the head, and has struck her with sticks and has locked her up in the house and threatened to murder her if she attempted to escape ^{and by pulling her hair} and has often and repeatedly exposed to her such personal indignities as to render her condition intolerable by striking her and by abusing her and calling her by a condescending name.

Plaintiff further states that Defendant has failed to furnish her with suitable clothing and food but has left her to obtain the same in the best way she could.

Plaintiff further states that there were born of the marriage aforesaid two children now of tender age, one three years old, named Pinky and one eight months old, named Mary Hannah.

Plaintiff states that Defendant is worth ~~fifteen hundred~~ ^{two thousand} dollars over and above encumbrances.

Plaintiff therefore prays to be divorced from the bonds of matrimony heretofore contracted between Plaintiff and Defendant as aforesaid; that she may have the sole custody and control of her said children and that she be allowed alimony for her support during the pendency of this suit and upon a final hearing to have sufficient alimony for ^{her} support and for the support of said children as may be proper and just.

John L. Thomas
Atty for Plaintiff

Martha J. Hicks makes oath and says that
she believes the above petition is true and
that the Complaint is not made out of fear
or by collusion between & fear or restraint
between Plaintiff and Defendant for
the mere purpose of being separated from
each other but ~~the~~ in sincerity and
truth for the Causes set out in the
Complaint.

Sworn to & subscribed }
before me March 7 1870 }

Martha J. Hicks

Wm. Mockbee

Justice of the Peace

Martha J. Dick

Mar. 21. 1870

Petition for divorce

filed March 21. 1870
E. J. Hanna atty

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

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

Samuel L Hicks

*if he be found in your County, that he be and appear before the Honorable
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 First Monday after the fourth Monday
of Sept next, then and there to answer unto*

Martha J Hicks

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 7
day of March A. D. 1870

Elias F. Honey Clerk Circuit Court.

By *J. H. Hays* Deputy.

28.11

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept Term, 1870

M. J. Hicks

Plaintiff

AGAINST

Saml & H. etc

Defendant

(Orig)

Order for alimony Vol 6 p 168
Chick Decees " 6 p 322

The within was served on the 9 Day of August a D 1870
at Jefferson County Mo by Delivering a true Copy of the
within writ and Petition to the within named Defendants
Saml & H. etc as furnished to me by the Clerk of the
Circuit Court.

Fred. Lichtenmeyer Sheriff
J. C. Johnson
J. Deputy

Martha J. Wicks, - Plaintiff } In the Circuit
Against } Court of Jef=
Samuel L. Wicks, - Defendant } ferson County,

The Defendant, for Answer to the Petition of Plaintiff admits he was married to Plaintiff in March 1865, and that ^{they} lived together as husband and wife from that time forward, with the exception of about eight months, till about the 5th day of March 1870, - but Defendant denies that during all that ^{time} Plaintiff treated Defendant with kindness and affection, and denies that he, wholly disregarding his duties as husband of Plaintiff, on or about the first of March 1870, or at any other time, was guilty of such cruel and barbarous treatment towards Plaintiff, as to endanger her life, - and he denies that he struck Plaintiff with his fists in the face, or about the head, or that he struck her with a stick, - and denies that he struck her at all until after she first struck him, - but he states the facts to be, that Plaintiff on one occasion flew into a violent passion, because Defendant had told her children to do some work, - and ^{greatly} abused Defendant, calling him a rascal, and a scoundrel, and finally struck him over the eye with a large iron Spoon, and then Defendant, in his own defence, slapped her in the face with his open hand,

And Defendant denies that he locked Plaintiff up in the House, & threatened to murder her if she attempted to escape, & denies that he pulled her hair, - And he denies that he at any time offered her such personal indignities as to render her Condition intolerable, by striking ^{her} King, or by abusing her, or by calling her scandalous names, & he denies that he failed to furnish her with suitable clothing & food, - But on the contrary he states that she was well furnished with food & clothing, and that she left ^{him} without any cause or provocation, Defendant therefore denies that Plaintiff is entitled to a divorce, or to have the care & custody of her two children, or to a decree for alimony & maintenance,

Defendant for further Answer charges that the Plaintiff has repeatedly offered such indignities to him as to render his Condition intolerable, in that, that she, on one occasion in 1868, becoming foolishly & without any cause jealous of Defendant, seized a pistol which was hanging on the wall, cocked and presented it at Defendant's breast, who made her put it down, - that she then abused Defendant most scandalously, calling him a whoresonger, a rascal, a liar, a scoundrel, and wished he was in hell, & threatened to send him there, That Plaintiff has on divers occasions without any provocation got into a violent rage, and abused Defendant in this scandalous manner, - that she is a perfect Termagant in disposition, often getting into a fury without cause, and abusing Defendant by calling him liar, scoundrel, & accusing ^{him} with adultery, and on one occasion she struck him over the eye violently with a large iron spoon,

And Defendant charges that Plaintiff has by such conduct, been guilty of such cruel and barbarous treatment towards him as to endanger his life. - Defendant therefore for the cause herein alleged, prays to ^{be} divorced from the bonds of matrimony contracted with Plaintiff as aforesaid, A. Green

Attorney for Defendant,

This Affiant, Samuel L. Hicks, 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 therein alleged 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 the Answer.

Subscribed and subscribed

before me this 28th day
of January 1871

James, C. Power Justice of the
peace

S. L. Hicks

In Circuit Court of
Jefferson County

Matthew L. Hicks
vs.
Saml L. Hicks

Answer

Filed Jan'y 30th 1871
Wm. H. Bayless

Martha J. Hicks Plff } Petition for divorce
vs } In the Jefferson
Samuel L. Hicks, Def } Circuit Court.

To the above named Defendant.

You are hereby notified
that I shall apply to the Jefferson Circuit
Court on the 17th day of March 1870 for
allowance against you to support my-
self and two children during the pendency
of this suit.

Martha J. Hicks
Plff.

I enclose within & deliver a copy thereof to
the within named Defendant Samuel S. Hoole
as left to me on the 2th day of March 1876

Test Subscribed & sworn
J. S. Johnston Deputy

9481-26

March 10

Lowell

Martha J. Nicko
vs
Samuel L. Nicko