

Jefferson County Circuit Court  
Case Files - CIVIL  
Sept 1873

Box

31 Folder 44

Barnes, Elmira V. (nee Ashford)

vs

Barnes, William J.

Divorce

Married June 11, 1865 in  
Norfolk, Virginia; defendant  
serving 2 years in penitentiary  
for grand larceny; depositions

Elmira V. Barnes } Jefferson Co. <sup>32</sup>  
vs } In Jefferson County  
William J Barnes } Circuit Court

Plaintiff states that on the Eleventh day of June. A.D. 1865, in the State of Virginia, in the county of Norfolk. She was lawfully married to the Defendant; That Plaintiff, continued to live with Defendant, as his wife, from and after the day and year aforesaid, until about the first day of November. 1871. That during all that time, Plaintiff, faithfully demeaned herself, and discharged all her duties as the wife of Defendant, and at all times, treated him with kindness and affection, but the said Defendant, wholly disregarding his duties as the husband of the Plaintiff in the year, 1871, in the county of St Louis, in the State of Missouri, committed and was guilty of the infamous crime of Grand Larceny, said crime being a felony under the Laws of this State, and of which said crime Defendant, was convicted, on his plea of guilty under the assumed name of William J. Henderson at the

November Term, A.D. 1871, of the  
St Louis, Criminal Court, a Court  
of competent Jurisdiction within  
the State aforesaid; and said  
Defendant, at said Term, of said Court  
was in pursuance, of said conviction  
only, sentenced, to a Term, of imp-  
risonment, in the Penitentiary of  
the State of Missouri, for a period  
of Two Years; which said conviction  
and sentence, occurred, during the  
Marriage of Plaintiff and Defendant,

Plaintiff further states  
that she has resided in this state  
one whole year, next, before the filing  
of this Petition

The Plaintiff, therefore  
prays, to be, divorced from the bonds  
of Matrimony contracted as aforesaid  
with the Defendant, and that she  
may be restored to her, Maiden name  
which was, *Calumia P. Ashford*

*John McLaughlin*  
atty for Plaintiff

Territory of Colorado }  
County of Arapahoe } Is.

This affiant, the Plaintiff makes oath, and says, that the facts stated in the foregoing Petition, are true according to the best knowledge and belief of the Plaintiff, and that the complaint is not made out of levity or by 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 causes mentioned in the Petition and Plaintiff this affiant further says, that she is at this time only temporarily, absent from the State of Missouri, which is still her place of permanent Abode.

~~Ths.~~ Emma V. Barnes.

Subscribed & sworn to  
before me this ~~10~~ 10<sup>th</sup>  
day of July A.D. 1870  
Geo. H. Childs.

Clark District Court  
Arapahoe County  
Col

Territory of Colorado }  
County of Arapahoe } JS

Plaintiff This affiant makes oath and says that The Defendant in the cause of Elmira V. Barnes V. S. William S. Barnes. now pending in the circuit court of St. Charles county in the State of Missouri, is a non. resident of said state, and that ordinary process of Law, cannot be served upon him, and that she the said affiant, does not know and has no means of knowing where the said Defendant, now resides wherefore the said Plaintiff, prays for an order of Publication in said cause

Wm, Elmira V. Barnes  
Subscribed & sworn to  
before me this 10<sup>th</sup>  
day of July A.D. 1873,  
George H. Wells  
Clerk District Court  
Arapahoe County  
Col

cr.

Emira V. Barnes

vs  
Wm L. Barnes

Petition for divorce

J. A. Jefferson

County Clerk's Court

Sept. 4, 1873,

\$ 7<sup>50</sup>

Filed July 16, 1873

W. B. Oakes  
By O. H. Oakes

John M. Oakes  
Plaintiff, atty.

|                    |           |             |     |
|--------------------|-----------|-------------|-----|
| Sides 15           | order put | 35          | 30  |
| order to print     | 35        | 35          | 35  |
| Copy over put      |           | 60          |     |
| CRS                |           | 30          |     |
| Default            |           | 35          |     |
| Proof put          |           | 35          | 165 |
| Cost               |           | 25          |     |
| do checks          |           | 25          |     |
| do oct Budget      |           | 10          |     |
| Sub 35 Budget      | 50        | 85          |     |
| Sub 10 making cash | 24        | 30          |     |
| Copy do over       | 104       | 100         |     |
|                    |           | <u>5.40</u> |     |

Wm. Salinger  
notary

2, 50

Rem. M. Oakes put in

12.00

19.90

# NOTICE TO TAKE DEPOSITIONS.

*Edwin V. Barnes*

In the *Levee*

Plaintiff

Court for

AGAINST

the County of *Jefferson*

State of Missouri.

*Wm J. Barnes*

Defendant

*Exhibitor*

TO THE ABOVE NAMED

—You are hereby notified, that depositions of witnesses to be

read in evidence in the above entitled cause, on the part of the Plaintiff will be taken at the

*office of J. P. Colcord No 410 1/2 Market Street*

in the County of *St Louis*, and State of Missouri, on the *9<sup>th</sup>* day of *Janu-*

*ary* A. D. 18*94*, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours, till completed.

*Service of this notice is hereby acknowledged, and issue of docket, and all exceptions as to time, waived.*

*Barnes Plaintiff*

I do solemnly swear that set of a copy of  
the aforesaid Notice is the office of the Clerk  
of the Circuit Court of Jefferson Co. Mo. in the  
County house in Hillboro in said County  
on the second day of January 1874.

John L. Houser

subscribed sworn to before me Jan. 2 1874  
as witness my hand & seal of office.

J. H. H. Thomas

Notary Public

Jefferson Co. Mo.

Depositions of witnesses produced  
sworn, and examined on the nineteenth day  
of January in the year of our lord  
1874, between the hours of eight  
o'clock in the forenoon and six  
o'clock in the afternoon of that day  
at the City of St. Louis County of St.  
Louis and State of Missouri, before me  
Henry Trauger a Notary Public within  
and for the County aforesaid, in  
a certain cause, now pending in  
the Circuit Court of the County  
of Jefferson in the State of  
Missouri between Elmina T. Barnes  
Plaintiff and Wm. J. Barnes defendant  
on the part of the plaintiff.

Joshua P. Colcord  
of lawful age being produced, sworn,  
and examined on the part of the  
plaintiff Deposeth and Saith!

~~Deponeth~~ my name is Joshua P.  
Colcord, I am thirty years of age  
I am an Attorney at Law at St. Louis Mo.  
I know the plaintiff in this  
suit, Elmina T. Barnes, have  
known her for several years, know  
her family, know that the treatment  
of her husband by her, was always kind  
and affectionate, and that as far as I  
could see, she was always a dutiful

obedient wife, I know that her husband was convicted in the Illinois Criminal Court some two or three years since, of a felony <sup>and sentenced</sup> to the penitentiary of the State of Missouri, that his wife sold her jewelry, of the value of some hundreds of dollars, for the purpose of raising money for <sup>his</sup> defense, that he served out his term <sup>and</sup> was finally released under the three fourth's rule <sup>and</sup> went to the State of New York, that the plaintiff is an invalid <sup>and</sup> under the request of recommendation of her physician is now travelling for her health, that I believe she is now temporarily sojourning in the City of Denver, Colorado, that in all respects she demeaned herself properly as a wife towards her husband, that her said husband was convicted of the said Felony under the name of Reiderson, <sup>and</sup> further deponent saith not.

Josiah D. Colcord

Subscribed <sup>and</sup> sworn to before me, on the day, at the place <sup>and</sup> within the hours first aforesaid

Henry Saenger  
Notary Public  
St. Louis Co. Mo.

Not being able to complete the taking of said depositions, by reason of the witnesses not being present, I adjourn the further taking of the same till to morrow then to be continued at the same place and between the same hours mentioned in annexed notice

Henry Saenger  
Notary Public

Pursuant to adjournment, as above stated, on the tenth day of January I adjourn the further taking of the same (for reason above mentioned) till January 12<sup>th</sup> 1874 then to be continued at the same place and between the same hours mentioned in annexed notice

St. Louis Jan'y 10<sup>th</sup> 1874 Henry Saenger  
Notary Public

Pursuant to adjournment, as above stated, on the twelfth day of January 1874, I adjourn the further taking of same (for reason above mentioned) till January 13<sup>th</sup> 1874, then to be continued at the same place and between the same hours mentioned in annexed notice

St. Louis January 12<sup>th</sup> 1874

Henry Jaeger  
Notary Public

Pursuant to adjournment, as above stated, on the ~~twelfth~~ <sup>thirteenth</sup> day of January 1874, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, at the same place I continued the taking of said deposition as follows viz:

W. Henry C. Claiborn of lawfull age being produced, sworn and examined ~~on~~ <sup>for</sup> the part of the plaintiff, deposed and said:

I am fifty two years of age, a Lawyer and live in St. Louis Missouri. I know the plaintiff in this suit, but ~~did not know~~ <sup>cannot</sup> at this time, say that I remember her as Mrs. Barnes. In the Fall of 1871 I defended in the Criminal Court a man who was indicted in the name of Wm J. Henderson, during his confinement in jail the Plaintiff in this suit visited him and I was introduced to her by Henderson as his wife

Henderson was convicted and  
sent to the Penitentiary at the November  
term of the St. Louis Criminal Court  
in 1871, I saw Plaintiff frequently  
before and after his conviction and  
I am ~~sure~~ of the impression that  
Henderson's real name was ~~Wm~~  
J. Barnes, I know that Henderson  
was an assumed name, he told  
me so himself, the Plaintiff  
seemed to be very fond of the defendant,  
done all in her power for him, as  
far as I could see, appeared to  
be very much distressed at his  
conviction, and in every way  
conducted herself, as a true and  
good wife, as far as I know

N. C. Claiborne

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

Henry Saenger

Notary Public  
St. Louis Co. Mo.

I Henry Saenger a Notary Public  
within and for the County of St. Louis, State of  
Missouri, do certify, that in pursuance of  
the annexed notice, came before me <sup>at the</sup>  
City of St. Louis, County & State aforesaid  
J. P. Cleard and N. C. Claiborne who

were by me severally sworn, to testify the whole truth of their knowledge touching the matter in controversy aforesaid; that they were examined; and their examination reduced to writing, and subscribed by them, respectively, in my presence, on the respective days, between the hours, and at the place in that behalf aforesaid and their said depositions are now herewith returned. And I further certify that said J. P. Colcord and N. C. Claiborne are residents of said County of St. Louis in said State of Missouri.

Given at the City of St. Louis, County of St. Louis; and State of Missouri, this thirteenth day of January 1874

Henry Jaeger  
Notary Public  
St. Louis Co. Mo.

Depositions  
Elmira Barnes  
Vs:  
Wm J. Barnes

Fees: \$25<sup>00</sup>/<sub>100</sub>

Recd by mail and  
Filed Jan 15 1874  
W. H. Day & Co. Cl

No. 3472

Circuit Court.

Term, 18

Elmira V Barnes

vs.

William J Barnes

Judgment, - - \$

Date 18

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Judg't Docket, Page

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.