

Jefferson County Circuit Court
Case Files-Civil
May 1875

Box 34 Folder 9

Spitz, Catharine

vs.

Spitz, Rosamain

Divorce

Married 30 January 1862; abuse;
children Henry, Louis, Paul Spitz;
\$2,200 alimony ordered

Catharine Spitz, plaintiff, } In the Circuit Court of
against } Jefferson County, State
Romaine Spitz, defendant. } of Missouri,
May Term 1875.

Plaintiff states, that on the 30th day of January 1872, in the County of Jefferson, State of Missouri, 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, till about the middle of December 1874, 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 that the said defendant, wholly disregarding his duties as the husband of the plaintiff, is guilty of such cruel and barbarous treatment of the plaintiff, as to endanger her life, and for the particulars of this cause of action plaintiff states the following, to wit:

Plaintiff states, that already about ten years ago, when the first born child of this marriage was only about 8 days old, and she, plaintiff still confined to bed, the defendant, without cause or provocation given by her, struck the plaintiff with his hand in her face; that about eight and one half years ago, without cause or provocation, given by plaintiff, the defendant took plaintiff by her hair, and pulled her back over a chair, and struck

her with his fist into her mouth; that about
✓ five years ago in summer season, when they were
at the breakfast table, defendant struck plaintiff
on her head with a loaf of bread, without any
cause or provocation given him by plaintiff;
that about five years ago in summer, defendant
kicked plaintiff out of their kitchen with his feet,
calling her at the same time a bitch without
cause or provocation; that about five years
ago in fall season, without cause or provoca-
tion, defendant took hold of plaintiff in her
face, with his hand, and scratched her, so that
✓ she bled, and whilst defendant had thus hold
of her, he tried to push and kick her out of
the house; that plaintiff, fearing, and having
cause to fear, that defendant would seriously
injure her, then defended herself, and in such
defense threw and over ~~cup~~ coffee cup at
defendants head, in consequence of which he
bled; whereupon defendant took plaintiff by
her hair, threw her out of doors, kicked her with
his feet, and made her suck the blood, as
it dropped from defendants head; and that
at the same time defendant lifted plaintiff's
dress, and exposed her naked person before
defendants children and of his ^{former} first marriage,
and those who were then born of this marriage,
that about January 1872, defendant struck

plaintiff on her head with his feet, without
cause or provocation; that in the winter from
1872. to 1873. defendant struck plaintiff in
her face with his hands or fists, in consequence
of which plaintiff's face commenced bleeding;
that defendant then tore her jacket at her throat,
and tried to choke her, and kicked her with
his feet, without cause or provocation given
defendant by plaintiff; that about fall 1873,
the defendant told his grown boys out of his
former marriage, to throw the manure, which
they chopped, into the excrements of man, ~~and~~
scattered there, and that plaintiff and the chil-
dren out of this present marriage should carry
the manure, when dirtied with such excrements,
into the kitchen, all without cause or provo-
cation; that about September 1874, the oldest
✓ boy of defendant out of his former marriage, in
the presence of defendant, pushed plaintiff down,
whilst plaintiff had a bucket of water in
✓ her hand, and that defendant then said, the
boy had done right; that during the
month of July 1874. the defendant, without
any cause or provocation on the part of plain-
tiff, took hold of plaintiff by her hair, and
pulled or threw her down on a milk pot,
standing close by, so violently, that the same
broke into pieces, and thereupon jerked plain-

thrust her head into the piece of such broken
milk pot on the floor, so that her head got
wounded, and the blood dripped from it,
that defendant thereupon having still hold
of her hair, threw her out of the kitchen and
then took hold of her again by her hair, drag-
ged her on the ground, and with his feet
tread and stamped upon her body, so that
it produced and left for some time after
marks on her body; that ^{on} ^{or about} the 2nd day of
October 1874. the defendant without cause or
provocation again took plaintiff violently
by her hair and shook her; that in
the beginning of the month of November 1874.
the defendant without cause or provocation
whilst he had a small stick in his hand,
with both his hands, pushed plaintiff so
violently, that in consequence thereof she
fell with her back upon and over two
chairs, standing close by, that on Sunday
the 29th day of November 1874. the defendant,
without cause or provocation, emptied
above and poured upon plaintiffs head,
a bucket of cold water, and struck her
with his head or fist into her back,
took hold of her by her neck with one
hand and there scratched her with his
finger nails, and whilst defendant had

hold of her with one hand, she held in his other hand a razor, and threatened to injure and kill her therewith.

v Plaintiff states, that the above mentioned treatments, which she received from defendant, are only the most noticeable, that defendant however otherwise treated plaintiff, in the most cruel and barbarous manner, ever since the first child of this marriage was born; that plaintiff endured the unhappy state of her marriage with defendant, always hoping and expecting, that defendant, would change his conduct toward plaintiff for a better one, at least tolerable or endurable one; but that plaintiff has been disappointed in her hope and expectation, and the conduct of defendant, has changed instead of for a better one, for worse. — Plaintiff states, that the treatments, heretofore stated, occurred at the residence of defendant, in Jefferson County, State of Missouri; Plaintiff further states, that because of the treatments of defendant aforesaid, and for the reasons hereinafter yet stated, the defendant has offered such indignities to plaintiff, as render her condition intolerable, and for further particulars of this cause of action plaintiff states, that defendant in the

beginning of the month of October 1874,
told plaintiff, that he defendant, for a long
time prior thereto had cohabited with
two neighboring ^{girl} ~~and another~~ girls, and
✓ plaintiff states, that defendant has fre-
quently for a long time used very abu-
sive language toward her by calling her
a bitch, a whore, ~~and~~ other such
names, all of which indignities defendant of-
fered plaintiff at the residence of the parties in Jefferson
County, State of Missouri.
Plaintiff further states, that there are born
of the marriage aforesaid, three children,
to wit: a boy, named Henry Spitz, 10
years old, a ^{boy} ~~girl~~ named Louis Spitz,
about 6 ¹/₃ years old, and a boy, named
Paul Spitz, about 2 ¹/₃ years old,

Plaintiff further states, that she has re-
sided within the State one whole year
next before the filing of this petition,

Plaintiff further states, that defendant
is seized and possessed of real and per-
sonal Estate, bonds, notes, and accounts
and moneys to the value in all of
ten thousand dollars, and that she is
totally without the means of support and
for the prosecution of this suit,

The plaintiff therefore prays to be
divorced from the bonds of matrimony,

contracted as aforesaid, with the defendant, that she may have the custody and care of her said three infant children, and that the court will adjudge to her such support and maintenance, out of the property of the said defendant, and for such time, as the nature of the case and the circumstances of the parties may require, and, if necessary, compel the defendant to give security for such maintenance, and to make such further orders from time to time, sanctioning the same, as may be just, and such other orders and judgments sanctioning the premises, as may be proper.

Catharine Spitz by
Henry Dahlman her atty

State of Wisconsin }
County of Jefferson } ss. This affidavit
the plaintiff makes oath and says, that the
facts stated in the above petition are
true according to the best knowledge
and belief of 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 sep-
arated from each other, but in sin-
cerity and ~~the~~ truth, for the causes,
mentioned in the petition,

I remain to and
subscribed in
fare me this
4th day of January
AD 1875

Catharine ^{her} Spitz
mark

C. Tho. Horne Clerk

In the Circuit Court
of Jefferson County,
Missouri.
May Term 1875.

Catharine Spitz,
pett. in

Romaine Spitz,
defendant.

Filed January 4th 1875
C. Tho. Horne
Clerk

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

Romain Spitz

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 *Second* Monday after the fourth Monday of *May* next, then and there to answer unto

Catharine Spitz

upon

her

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

Witness, W. S. BOYCE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro this *8th* day of *January* A. D. 18*75*.

C. M. Horne

Clerk Circuit Court.

By

Deputy

I Return this Summons not served R Spitz not
found in my County this 25 day of Dec 1894

J. B. Mose Sheriff



14 3974

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

May TERM, 1875.

Catharine Spitz

vs

Romain Spitz

(original)

Shuff for 50

Catherine Spitz Plaintiff *In the Circuit*
vs *Court of Jefferson*
Romaine Spitz defendant *County State of*
Missouri.

Now comes the defendant and by leave
of the Court first had and obtained files
this as his answer to the petition of the
plaintiff -

Defendant denies that the said plaintiff
continued to live with the defendant from
and after the date of their said marriage
to about the middle of December 1874,
denies that during all that time she
faithfully performed herself and discharged
all her duties as defendant's wife, and
denies that at all times she treated defendant
with kindness and affection, denies that
the defendant wholly disregarding his duties
as the husband of the plaintiff, is or was
guilty of such cruel and barbarous treat-
ment of the plaintiff as to "danger" her
life.

Defendant denies that when the first born
child of said marriage was only about 8
days old, or at any time, this defendant
without cause or provocation given ^{by} her
struck the plaintiff with his hand in
her face; denies that about 8 $\frac{1}{2}$ years

ago or at any time without cause or provocation given by the plaintiff. the defendant took plaintiff by the hair and pulled her back over a chair and ⁺struck her with his fists into her mouth; denies that about five years ago in summer season or when they were at the breakfast table, or at any other time or place the defendant struck the plaintiff on the head with a loaf of bread; denies that about five years ago in summer or at any time defendant kicked plaintiff out of their kitchen with his feet, and denies calling her at same time or any time a bitch without cause or provocation; denies that about five years ago in fall season or at any time without cause or provocation defendant took hold of plaintiff in her face with his hand and scratched her, so that she bled. And denies that he pushed and kicked her out of the house; defendant denies that the said plaintiff either feared or had cause to fear that the defendant would injure her at the time she alleges she threw the coffee ^{cup} at defendant or at any other time; defendant denies that at the time of the alleged throwing of the coffee cup he took the plaintiff by the hair, or threw her out of doors or

Kicked her with his feet, or made her suck
the blood as it dripped from defendants head
and denies that at the same time or at any
time defendant lifted plaintiff up, or exposed
her naked person before Defendants Children
of either his first or second marriage;
denies that about Jan'y 1872 or at any
other time defendant struck plaintiff on
her head with his fists without cause or
provocation; denies that in the winter of
1872 to 1873 or at any time defendant struck
plaintiff in her face with his hands or fists;
denies that defendant then ^{or at any time} tore plaintiff's
jacket at her throat or tried to choke her
or kicked her with his feet without cause
or provocation given by plaintiff to defendant;
denies that about fall of 1873 or at any
time the defendant told his grown up
children boys, of his former marriage,
to throw the wood which they chopped
into the excrement of man scattered
there, and or that the plaintiff and the
Children of this marriage should carry
the wood when dirtied into the kitchen;
denies that Defendants oldest boy by his
first marriage in the presence of the
defendant pushed the plaintiff down
whilst the plaintiff had a bucket of
water in her hand, and denies that

defendant said the boy had done
right; denies that during the month
of July 1874 or at any time the
defendant without cause or at all took
hold of plaintiff by his hair and
pulled or threw him down on a
milk pot, denies that he jacked p^l's
head into the pretended pieces of such
pretended to be broken milk pot, so that
he head got wounded, or blood dropped
from it; denies that defendant threw
him out of the kitchen and then again
took hold of him by the hair, or dragged
him on the ground, or with his feet
tried and stamped upon his body.
denies that about the 2^d. day of Oct
1874. or at any time without cause
or provocation or at all, the defendant
took plaintiff by the hair and shook
him violently or at all; denies that
in the month of Nov 1874, or at any
time without cause or provocation
or at all, whilst he had a small
stick in his hands, with both his
hands pushed plaintiff so violently
or at all, that she fell with her
back upon and over two chairs
standing close by; denies that on

on Sunday the 29th day of November
1874 or at any time, emptied upon
or poured over plaintiffs head a
bucket of cold water, or struck her
with his hands and fists in her back
or took hold of her by the neck
with one hand and scratched her
with his finger nails, or that he
held in one hand a "raiser" with
which he threatened to kill her whilst
he held her as she put up with the
other.

Defendant denies that he ever treated
this plaintiff in a barbarous or cruel
manner, or ever treated her at all
roughly or cruelly.

And defendant in further answer
to plaintiffs second count in the
petition denies that in the beginning
of the month of October 1874, or at
any time told plaintiff that he for
a long time prior thereto had cohabited
with two neighboring girls; Denies
that for a long time or at all he
has frequently used abusive language
towards her by calling her a bitch or
whore and other such names.

Defendant denies that he is seized and
possessed of real & personal estate bonds

accounts & moneys
and notes of the value of ten Thousand
dollars.

Defendant denies plaintiffs right to be
divorced from the bonds of matrimony
contracted as aforesaid and denies her
right to the care and custody of
said Children born of said marriage.

And defendant further answering
says that the said Catherine the
plaintiff, is and ever since our
marriage has been, of a most jealous
disposition; and exceedingly cross
and ill tempered, as well as abusive,
that for reasons set forth in this
plaintiffs petition for a divorce
brought at the last term of this court,
he asked this Court to dissolve the
the bonds of matrimony contracted
between the plaintiff and defendant,
that since the bringing of said suit
as aforesaid, said plaintiff has continued
to live at the home of the defendant
and to occupy one of the rooms of his
house, that she has been provided, as
one of the family, but has never occupied
this defendants bed room nor cohabited
with him; that notwithstanding this

defendants kindness in permitting
her to live in his house and enjoy
a living provided for her as above
stated. She has taken every possible
means and opportunity to annoy
and abuse Michael and slander
this defendant. She, on one occasion,
since said suit was brought, as aforesaid,
while defendant, very early in the
morning, was passing from his own
room by the door of the room she
occupied, she opened the door
suddenly and aimed to throw the
contents of a Chamber-pot in this
defendants face; but defendant
by a sudden duck of the head
saved his face, but received said
contents water and night soil just
on the back of the head and the
shoulders. This is one among many
indignities which this woman has
made defendants life a burden to him.

He therefore says that she is the
guilty and not the innocent party,
and that he will should be dismissed

Roman Spitz

By P. P. P. P.
his atty.

3974

Catharine Spitz

vs

Romain Spitz.

Deft answer

The clerk will file

it.

P. P. Kim

Deft's atty.

Filed March 24th 1875

C. H. Ho. Name

Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

Philip Anna Nicholas Wag Joseph Sweeney

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 14th day of May, 1875, 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 Catharine Shills is Plaintiff, and Roman Shills is Defendant, on the part of Jeff; ; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 27th day of April A.D., 1875.

C. Tho' Horine, CLERK.

Entered this unit
by reading the
same I think
as N^y Har May
7 1875. Most Truly
Yours

Joseph Swaner
not found

May 1 1875

Catharine Spills
no

Romain Spills

P

Philip Hinds
Nicolaus Hag
Joseph Sweeney

Spuff Ju. 150

Recd May 10 78/5
Otho Horine
CLK

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Henry Snyder Mrs Paul Haag Nicolas Rash
v Joseph Leigh

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 14th day of May, 1875, 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 Catharine Spillo is is Plaintiff, and Romain Spillo is Defendant, on the part of Spillo; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the
seal thereof hereto affixed, at office, this 27th day
of April A. D., 1875.

C. Tho' Horine, CLERK.

enclosed this receipt
by reading the same
Henry Snyder Mrs
Paul Haag Nicholas
Rash
and copy with Joseph
Leicht Mat Suway

May 1 1875

Catharine Spitts

Romain Spitts

P.

Henry Snyder
Mrs. Paul Haag
Nicolaus Rash
Joseph Leicht

Sheff for 200

Filed May 10 1875

Chas. Horine cler

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To, *Andrew Leitch, Thomas Stans Joseph Rush*
vs *Joseph B. Buehner*

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 *14th* day of *May*, 187*5*, 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 *Catharine Spills* is *co* is Plaintiff, and *Romain Spills* is Defendant, on the part of *Spills*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereof affixed, at office, this *24th* day of *April* A. D., 187*5*.

C. Tho. Horine, CLERK.

Excluded this
won't by receiving
the same to Thomas
Stearns and Joseph
Bask and George
Brewster this
7 day of May
1878
Mark Swaney

May 5 1875

Catharine Spitts

no
Romain Spitts

P.

Andreas Licht
Thomas Stouts
Joseph Rush
Joseph Reinheim

Shelf fee 200
Filed May 10 1875
O. H. Storing
also

Catharine Spitz Plaintiff } In the Circuit
against } Court of Jefferson
Romane Spitz Defendant } County State of
Missouri

Now at this day comes the defendant and by leave of Court first had and obtained files This as his amended answer to the petition of the plaintiff

Defendant denies that the said plaintiff continued to live with the defendant from and after the date of their said marriage to about the middle of December 1874, denies that during all that time she faithfully demeaned herself and discharged all her duties as defendant, wife, and denies that at all times she treated defendant with kindness and affection, denies that the defendant wholly disregarding his duties as the husband of the plaintiff, is or was guilty of such cruel and barbarous treatment of the plaintiff as to "danger" her life.

Defendant denies that when the first born child of said marriage was only about 8 days old, or at any time, this defendant without cause or provocation given by her struck the plaintiff with his hand in her face; denies that about 8½ years ago or at any time without cause or provocation given by the plaintiff, the defendant took plaintiff by the hair and pulled her back over a chair and

struck her with his fists into her mouth; denies that about five years ago in summer season when they were at the breakfast table or at any other time or place the defendant struck the plaintiff on the head with a loaf of bread, denies that about five years ago in summer or at any time defendant kicked plaintiff out of their kitchen with his feet, and denies calling her at some time or any time a bitch without cause or provocation; denies that about five years ago in fall season or at any time without cause or provocation defendant took hold of plaintiff in her face with his hand and scratched her, so that she bled, and denies that he pushed and kicked her out of the house; defendant denies that the said plaintiff either feared or had cause to fear that the defendant would injure her at the time she alleges she threw the coffee cup at defendant or at any time; defendant denies that at the time of the alleged throwing of the coffee cup he took the plaintiff by the hair, or threw her out of doors or kicked her with his fist, or made her suck the blood as it dripped from defendant's head and denies that at the same time or at any time defendant lifted plaintiff's dress, or exposed her naked person before defendant's children of either his first

or second marriage; denies that about Jan'y
1872 or at any ^{other} time defendant struck plaintiff
on her head with his fists without cause
or provocation; denies that in the winter
of 1872 & 1873 or at any time defendant struck
plaintiff in her face with his hands or
fists; denies that defendant then or at any time
tore plaintiff's jacket ~~at~~ her throat or tried
to choke her or kicked her with his feet with-
out cause or provocation given by plaintiff
to defendant; denies that about fall of 1873
or at any time the defendant told his grown
up boy, of his former marriage, to throw
the wood which they chopped into the
excrements of man scattered there, or
that the plaintiff and the children of this
marriage should carry the wood when
directed into the kitchen; denies that de-
fendant's oldest boy by his ~~last~~ first mar-
riage in the presence of the defendant
pushed the plaintiff down whilst the
plaintiff had a bucket of water in
her hand, and denies that defendant said
the boy had done right; denies that during
the month of July 1874 or at any time
the defendant without cause or at all
took hold of plaintiff by her hair and
pulled or threw her down on a milk
pot, denies that he jerked plaintiff's

head into the pretended peices of such pretended
to be broken milk pot, so that her head got
wounded, or blood dripped from it; denies
that defendant threw her out of the
kitchen and then again took hold of her
by the hair, or dragged her ~~out~~ on the
ground, or with his feet tread and stamped
upon her body, denies that about the
2^o day of Oct. 1874, or at any time
without cause or provocation or at
all, the defendant took plaintiff by
the hair and shook her violently or at
all; denies that in the month of Nov^r
1874, or at any time without cause or
provocation or at all, whilst he had a
small stick in his hands, with both his
hands pushed plaintiff so violently or
at all, that she fell with her ~~face~~
back upon and over two chairs standing
close by; denies that on Sunday the
29th day of November 1874, or at any
time he emptied upon or poured
over plaintiffs head a bucket, of cold
water, or struck her with his hands and
fist in her back or took hold of her
by the neck with one hand or cra-
-tched her with his finger nails, or
that he held in one hand a "raiser"
with which he threatened to kill her

whilst he held her as she pretends with the other,

Defendant denies that he ever treated this plaintiff in a barbarous or cruel manner, or ever treated her at all roughly or cruelly,

And defendant in further answer to plaintiff's second ~~Count~~ ^{Count} in the petition denies that in the beginning of the month of October 1874, or at any time told plaintiff that he for a long time prior thereto had cohabited with two neighboring girls; Denies that for a long time or at all he has used abusive language towards her by calling her a bitch a whore and others such names,

Defendant denies that he is seized and possessed of real and personal property estate bonds and ^{notes} accounts & monies of the value of two thousand dollars,

Defendant denies plaintiff's right to be divorced from the bonds of matrimony contracted as aforesaid and denies her right to the care and custody of said children born of said marriage

And defendant by way of Cross bill states that on the day of 1861 he was lawfully married to the ~~defendant~~ ^{Plaintiff} in the County of Jefferson in the state

of Missouri: That ~~Plaintiff~~^{Defendant} continued to
live with the ~~defendant~~^{Plaintiff} as her husband
from and after the day and year aforesaid
until within the last few years, in only
a partially happy state. For some years past
the said ~~Defendant~~^{Plaintiff} disregarding her duties
as the wife of the ~~Plaintiff~~^{Defendant} was
often guilty of cruel and barbarous treat-
ment towards the ~~Plaintiff~~^{Defendant} in this, to wit:
that she would strike and beat him in a
violent & angry manner, and although
this Defendant was able to protect him-
self, still he would not strike the said
~~Plaintiff~~ in return, but would get out
of her way as soon as he could and would
almost always leave the house; That not-
withstanding the aforesaid treatment by
the said Plaintiff he still lived with
her and used every means in his
power to curb her unruly temper and
disposition by kindness and affection;
but she grew worse and worse and
without any provocation or just cause
the said Plaintiff, on or ~~about~~ the day
of 1874 and on divers times
before and after said day, charged this
~~Plaintiff~~^{in the name of the Plaintiff} Defendant of having committed adul-
tery, with one Mary Stoupe, of which

charge this ^{Defendant} ~~plaintiff~~, avers he was not
guilty either with the said Mary or
any other woman; that on several oc-
casions during the months of October
and November 1874, and on other
occasions within twelve months
of December 1874, the said Plaintiff
made several attempts with a large
butcher knife and with a sad or
smoothing iron, to take the life of this
Defendant or to do him some great
bodily harm, to avoid which this ~~plaintiff~~
Defendant had to leave the house;
that on many occasions, ^{and habitually} within the times
mentioned above, to wit: the last several
years the said Plaintiff has called this
Defendant to his face, and in the presence
of his neighbors and others and in the
presence of ^{his} children, vile names such
as ^{God damned} ~~such~~ "Son of a bitch" ^{God damned} "Whore Monger",
^{God damned} "Whore Master" "Whore boor" or words of similar
import, and defendant further states
the said Catharine the Plaintiff, is, and
ever since ^{the said} ~~our~~ marriage has been,
of a most jealous disposition; and
exceedingly cross and ill tempered, as
well as abusive, that Plaintiff has con-
tinued to live at the home of this defend-
-ant and to occupy one of the ~~rooms of~~

the rooms of his house, that she has been pro-
vided for as one of the family, but has
never occupied this defendant's bed room
nor cohabited with him; that notwithstanding
this defendant's kindness in permitting
her to live in his house and enjoy a
living provided for her as above stated
she has taken every possible means and
opportunity to annoy and abuse ~~in~~
~~stead~~ mistreat and slander this def-
endant, she, on the 25th day of Dec. 1874
while defendant, very early in the morning
was popping from his ^{own} room by the door
of the room she occupied opened the
door suddenly and aimed to throw the
contents of a chamber pot in this
defendant's face, but defendant by
a sudden ~~duck~~ ^{deflection} of ~~the~~ ^{his} head saved
his face, but received said contents
water & night soil just on the back of
~~the~~ ^{his} head and ~~the~~ ^{his} shoulders. And said Piff
continually in his presence & the presence of the children
wherefore plaintiff defendant states and charges
that the said Plaintiff in manner and
form as aforesaid, has been guilty of
such cruel and barbarous treatment
of this defendant as to endanger his
his life, and that the said Plaintiff
has offered in manner and form as

aforesaid such indignities to the Defendant as to render his condition intolerable

Defendant further states that there was born of the marriage as aforesaid, three children to wit: a boy named Henry Spitz, 10 years old, a boy named Louis Spitz, about 7 years old and a boy named Paul Spitz about 4 years old,

Defendant states that he resided in this state one whole year before the bringing of this suit,

The ~~plaintiff~~ Defendant therefore prays, to be divorced from the ~~lands~~ bonds of matrimony contracted as aforesaid, with the plaintiff, that he may have custody and care of his said ^{three} children, and for such other and further relief as may be proper

P. Pipkin with
John L. Thomas as
attys for Defendant

This affiant Raman Spitz the defendant in the above cause makes oath and says that the facts stated in the above answer & cross bill are true according to his best knowledge and belief, and that the cross bill is not made out of levity or by collusion fear or restraint between the Defendants

and the Plaintiff for the mere purpose of
being separated from each other but
in sincerity and truth for the causes
mentioned in the Crops bill

Subscribed and sworn
to before me this 15th
day of May 1875
C. Thos. Morine
Clerk of Court

Romain Spitz

Katharine Spitz
again
Roman Spitz-

Amended Answer
and crop bill
of Defendant

Dated May 15th 1875
L. H. H. H. H.
Clerk

Catharine Spitz, plaintiff, } In the Circuit
against } Court of Jefferson
Kamari Spitz, defendant. } County,
May Term 1875.

Now comes the plaintiff by her Attorney,
and by leave of Court and consent of
defendant replies to the answer and
cross-bill of defendant as follows:
Plaintiff denies, that the State in which
she lived with defendant, was a particularly
happy one as stated in said cross-bill,
but states, that it was a very unhappy
one; denies that for some years past
the plaintiff, disregarding her duties as
the wife of defendant was often guilty
of cruel and barbarous treatment
towards the defendant in this to wit:
that she would strike and beat him
in a violent and angry manner,
and that, although defendant was able
to protect himself, he would not
strike plaintiff in return but would
get out of her way as soon as he
could, and would almost always
leave the house; that notwithstanding
the aforesaid treatment by plaintiff
he defendant still lived with her
and used every means in his power

to curb her unruly temper and disposition, ~~as plaintiff~~ by kindness and affection, as defendant says, denies that defendant plaintiff gave her more and more and without any provocation or just cause the plaintiff on or about the day of 1874, and on diverse times before and after said day charged defendant in the presence of his neighbors of having committed adultery, and denies that she habitually charged him to his face of having committed with one Mary Stouse, of which charge defendant was not guilty, as he avers, either with the said Mary or any other woman; ^{denies} that on several occasions during the months of October and November 1874, or at any other time, and on other occasions within twelve months of December 1874, plaintiff made several attempts with a large butcher Knife and with a sad or smoothing iron, to take the life of defendant or to do him some great bodily harm, to avoid which defendant had to leave the house,

denies, that on many occasions
and habitually within the times
mentioned above to wit: the last
several years plaintiff has called
defendant to his face and in the
presence of his neighbors and
others and in the presence of his
children, vile names such as God-
damned son of a bitch, God-damned
whore monger, God-damned whore
master, whore hound, or words of
similar import, and ~~defendant~~
~~further states~~, plaintiff denies, that
she is and ever since the said mar-
riage has been of a most jealous
disposition and that she has been
exceedingly cross and ill tempered
as well as abusive, as defendant
states, denies, that defendant has
been provided for as one of the
family, denies, that she has continued
to live at the house of defendant
and to occupy one of the rooms
of his house, as defendant states,
denies, that notwithstanding ~~that~~
the kindness of defendant in per-
mitting her to live in his house,
and enjoy a living, provided for,

as ~~plaintiff~~ defendant states,
she, plaintiff has taken ~~any~~ every
possible means and opportunity
to annoy and abuse mistreat
and slander defendant, denies
that she on the 25th day of Decbr.
1874, while defendant very early
in the morning was passing
from his own room by the door
of the room she occupied, she
opened the door suddenly and aimed
to throw the contents of a Chamber
pot in defendant's face, but
defendant by a sudden depression
of his head saved his head face,
but received said contents water
and night soil just on the back
of his head and shoulders; denies
that plaintiff was in the habit of
using profane and obscene lan-
guage, and continually in his pres-
ence and in the presence of his
children, Plaintiff therefore
denies, that she has been guilty of
such cruel and barbarous treat-
ment of defendant, so as to
endanger his life, in manner
and form as defendant states,

or in any other manner, and Plaintiff denies, that she has
offered in manner and form
as defendant states, or in any
manner and form, to defen-
dent such indignities as render
his condition intolerable.

Plaintiff for further reply states
that defendant on or about the
25th day of December 1874, ~~defen-~~
~~dant~~ attempted to strike and beat
plaintiff with a heavy wooden
shoe, and would have done so,
had she not prevented him there-
from by escaping.

Plaintiff therefore repeats
her prayer as in her petition,
and that states that the prayer
of defendant should not be
granted.

Catharine Spitz
Plaintiff

by
Henry F. Ahlborn
her Attorney.

Katharine Spitz
perff.

per
Katharine Spitz,
defendant.

Replication
by plaintiff.

Filed May 18th 1898
C. Thos. Norine
clerk

Given
The Court declares the law to be
that if the Court shall find
from the evidence in the Cause that
Defendant Roman Spitz has ^{committed} ~~perpetrated~~ such ^{cruelty and} indig-
nity as to endanger the life
or render his condition in-
tolerable and that such act-
of ^{cruelty and} indignity extend through a
series of years dating back to
within a year & a half of
the marriage of plaintiff and
Defendant then and in such
event the continuance of the
wife to live with Defendant up
to the date mentioned in the petition
& cross bill at the time of sep-
aration does not operate as a
condonation on the part of said
indignity or cruelty committed as
aforesaid provided the Court shall
further find from the evidence in
the Cause that at and before the
date of said separation such
act were repeated by Defendant

Given
Given

Spills
to
Spills

Filed May 19 48/5,
Otho. Marine
CLC

It is thereupon considered, adjudged and decreed by the Court, that the bonds

of matrimony now existing between plaintiff and defendant be forever dissolved, that plaintiff recover of defendant alimony in gross for the support and maintenance as aforesaid in the sum of \$ Twenty two hundred dollars, payable and recoverable as aforesaid, that she have the care, custody and control of said children, and that she recover her costs, and that she have execution for each and every installment of said \$ 2200. as as they respectively fall due, and for costs herein,

V It is further ordered by the court, that Henry F. Ahlvers be and he is hereby appointed trustee herein for the plaintiff and said children, and that said alimony be paid and delivered to him as such trustee, and he receive the same as such for the use of said plaintiff and children, and it is further ordered by the court, that he give bond to be approved by the court, in the sum of \$ 4400, ^{payable to said Catharine Spitz} conditioned, that he will faithfully execute said trust and properly disburse ^{and pay} said sum ^{to said Catharine Spitz} for the purposes of support and maintenance of said ^{Catharine Spitz} plaintiff, and the said Henry, Louis

and Paul Spitz, children of said
marriage, as may seem to him best
for their general interests, and that he
make a report to and settlement
with this court at the May term of
this court A.D. 1876, and annually hereafter
until further orders ~~by~~ of this court,

Spiky

re

Spiky

Index May 1978/5-
C. H. Haines
C. H. H.

Georgine Spitz, Plaintiff }
Romain Spitz, Defendant }

The Court declares the law to be
as follows:-

1. That acts of cruelty ^{or indignities to the person} on the part of husband
or wife may be condoned by the inno-
cent and injured party and if the Court
should find ^{from} the evidence in
this cause that the alleged acts of the
parties to this suit in regard to each
other were condoned by them respecting
then no divorce can be granted to either
on account of the acts the Court may
find from the evidence were
so condoned and in determining
which party is entitled to a divorce in
this suit only such cruel & barbarous
treatment and indignities to the person
as are proven to have been inflicted or
offered and which have ~~to~~ not been
condoned should be considered by
the Court.

Given

Spino
Spino

Filed May 19th 1880.
L. H. H. H. H.
OLD

Bathasius Spitz, plff, } In the Circuit Court
against } of Jefferson County
Ramon Spitz, defd. } Missouri

We the undersigned Henry F. Ahlvere, as
principal, and Eugene Amar, as security, ac-
knowledge ourselves indebted to Bathasius
Spitz, the plaintiff, in the sum of four thousand and
four hundred dollars, for the payment of which
we bind ourselves, our heirs, executors and ad-
ministrators.

Upon conditions however as follows:
Whereas said court in its decree in
the above case, has appointed said Henry
F. Ahlvere trustee for the said plaintiff
and the following children of her and de-
fendant, to wit; Henry Spitz, Lennie Spitz
and Paul Spitz, and ^{ordered} that the alimony
decreed to plaintiff, be paid to him as
such trustee, and he receive the same as
such, for the use of said plaintiff and
children, and whereas said court has fur-
ther ordered in said decree, that said trus-
tee give bond, the conditions of which are
set forth in said decree,

Now therefore if said Henry F. Ahlvere
as such trustee shall faithfully execute
said trust and properly disburse
and pay ~~said~~ the alimony, decreed to

said plaintiff, to said Catharine Spitz
the plaintiff for the purposes of sup-
port and maintenance of herself
and the said Henry, Louis and Paul
Spitz, children of said marriage,
as may seem to him best for
their several interests, and shall make
a report to and settlement with
~~the~~ said court at the May Term A.D. 1876,
thereof, and annually thereafter, un-
til further orders by the said court
where this hand is to be void, oth-
erwise to remain in full force.

This 21st day of May A.D. 1875.

Henry F. Ahlrens, (Principal),
E. Amarp

Catharine Spitz

vs

Romain Spitz

— " —

Henn & Ahlvens

Trustee —

Bond

— " —

Filed May 20 1876

C. G. H. Haines

clerk

Catharine Spitz, - Plaintiff } In the Circuit
vs. } Court of Jef=
Romain Spitz, - Defendant, } ferson County
Missouri,
} A decree of alimony granted
} Plaintiff at May Term 1875

Now comes the above Plaintiff, and states to the Court that at the May Term 1875, of said Court, a decree of divorce was granted to Plaintiff against said Defendant, and a Judgment for Twenty two hundred dollars, in gross, for her alimony, for the support and maintenance of herself and three children; and that one thousand dollars of said money was to be paid in sixty days, four hundred dollars in six months, four hundred dollars in one year, and four hundred dollars in eighteen months from the date of said decree; and that by order of the Court, Henry F. Silvers was appointed a Trustee for Plaintiff and her children, to receive said money, and to disburse and pay over the same to Plaintiff, for the support of herself and children, in such manner as to him should seem best, - as will more fully appear ^{by} reference to the record of said decree. - And Plaintiff states that since said last Term of Court, said Trustee has received from Defendant the sum of one thousand dollars of said alimony, and has paid over a small portion of it to Plaintiff for her support and children. - But Plaintiff states that she believes it would

be decidedly more beneficial to herself and children, to have the greater portion of said money invested in the purchase of a Farm, to be deeded to her and her children, in order that they could have a more permanent home; rather than consume the whole of said money, by receiving small sums from time to time for their support. And so believing, she has contracted for the purchase of a small and valuable farm, for the sum of Eleven hundred and fifty dollars, - and has requested said Trustee to invest that sum of money, in the payment of said farm, and to have the same conveyed to her and her children as Tenants in Common. But, said Trustee refuses to furnish any part of said money for said purpose, -

Plaintiff therefore moves the Court to so modify and alter said order granting said alimony, as to enable her to purchase a home for herself and children as aforesaid, and to order that said Trustee invest said sum of money for the purpose aforesaid, and that the deed be made to her and her children jointly. And she further states that, after making such investment, and after deducting the Attorney fee of said Alimony, she deems it unnecessary to have a Trustee to control the remaining portion of such alimony, as she considers herself fully competent to manage her own affairs, and is sure her solicitude for the welfare of her children is at least equal to that of her Trustee. She therefore moves the Court to order that

the appointment of said Trustee be set-aside,
and vacated, and ^{to} order that the remaining
part of such alimony be paid directly to
Plaintiff for the support of herself and
children.

} Catharine Spitz, Plaintiff
} By Abner Green, her Attorney

94 3974

In Off. Cir. Court
Dep. Term 1873—

Catharine Spitz

vs.
Romaine Spitz

Motion to modify
order granting alimony

Price

Filed Aug 27th 1873

R. Tho. Morine
Clerk

Catharine Spitz } Motion to modify order
Romain^{vs} Spitz } granting alimony, and
to rescind order appoint-
ing Justice. -

Now at this day comes the Plaintiff
by her Attorney, and it appearing to the
Court that due notice has been given to
Defendant and Henry G. Ahlvers, said Justice,
of this motion, filed in the Court Aug.
27th 1875, - and said Motion being by the
Court seen and heard, is by the Court sus-
tained. It is thereupon considered and
ordered by the Court that the order made
at the May Term 1875, allowing alimony for
Plaintiff in the sum of twenty two hundred
dollars against Defendant, be modified and
changed as follows; That the part of said
order, appointing Henry G. Ahlvers, Justice for
for Plaintiff & her children, to collect & receive
said alimony be, and the same is hereby
rescinded, cancelled, and annulled, - and
it is hereby ordered and adjudged that
the Plaintiff be and hereby is authorized
to collect and receive of said alimony
first, - the amount said Henry G. Ahlvers
has received from the Defendant, after
deducting the Attorney fee of said Ahlvers,
and that the residue of said money
allowed her for alimony, ^{by said decree of the Court} be paid di-
rectly to her from the Defendant, and

order, - she is hereby empowered to collect the same
from the ~~defendant~~ by virtue of ~~the~~ decree as modified by this
and on failure of Defendant to pay the
same, as it becomes due by the decree
made at the May Term 1873, that she
have execution therefor, - And the
Court, doth further direct and order
that Plaintiff invest the greater
part of said money in the purchase
of real estate for herself & children, to
be conveyed to her for life with remain-
der over to her children, named in said
decree, -

Catharine Spitz, - Plaintiff } In the Circuit
vs. } Court of Jef=
Romain Spitz, - Defendant, } ferson County
Missouri,

} Decree of divorce, & for alimony
} granted at May Term 1873 -

To the above named Defendant, and to
Henry F. Ahlvers, Trustee for Plaintiff in the
above cause,

You are hereby notified, that, at the next
Term of the Circuit Court of Jefferson County
Missouri, to be held at the Court House in said
County on the 13th day of September, 1875,
and on the first day of said Term, or so soon
thereafter as Counsel can be heard, I shall
present a motion, now on file in the Clerk's
office of said Court, and move said Court to
modify and alter the order granting alimony
to the above Plaintiff, made at the May Term
1873 of said Court, so as to enable the Plaintiff
to invest a portion of such alimony in the pur=
chase of Real estate, for herself and children,
and to ~~order~~ said Trustee to apply said money
for such purpose, and to set-aside, and va=
cate the order appointing such Trustee, as
more fully stated in said motion, - when
and where, you can attend if you see fit,

Catharine Spitz
} Plaintiff, - By Abner Green
} her Attorney

In naive notice of the within notice this
27th day of Aug 1875

John L. Thomas & Bro
Attys for R. Hutz

I naive service of the within Notice this
27th day of August 1875.

Henry F. Ahlness.
Trustee,

Carthage City
vs.
Cornwall City

Notice to Henry
F. Ahlness, & said
Defendant,

Filed Aug 27th 1875.
Edw. Morse
Clerk