

Jefferson County Circuit Court
Case Files - Civil
May 1878 No. 20

Box

38

Fo/der

1

Atwood, Mary E.

vs

Atwood, Augustus

Divorce

Marrried 13 May 1875; desertion;
non-support; children Augusta,
Jesse

Mary E. Alwood, Plaintiff
vs
Augustus Alwood Defendant }
In The Circuit Court of
Jefferson County
Missouri

Plaintiff States that she was
lawfully married to the defend-
-ant in Jefferson County
Missouri on the 13th day of May
1875, that she continued to live
with the defendant as his
wife from and after the day and
year last aforesaid till the
on or about the 27th day of
December 1877 during all
which time she performed all
her duties as the wife of the
defendant and at all times
treated him with kindness
and affection but Plaintiff
States that the defendant
wholly disregarding his duties
as the husband of Plaintiff
offered such indignities to Plaintiff
as rendered her condition
intolerable in this town. He
during the time Plaintiff and
he lived together as husband
and wife defendant wholly
failed to provide for the comfort
and maintenance of Plaintiff

and his and her children or so
nearly so that ~~that~~ she and
said children were in absolute
want of the necessaries of life
and even of food and clothing
for many months before the
separation of Plaintiff and
Defendant during which time
Defendant was in good employment
making sufficient for an ample

ample support of his family
by reason of which conduct of
Defendant Plaintiff was often
reduced to ask and receive food
for her self and children by the
charity of others which conduct
on his part continued up to the
time of the separation when he
having mortgaged the furniture
in Plaintiff's house without her
knowledge and for a purpose
unknown to Plaintiff the same
the same was seized and sold
by such mortgagee leaving Plaintiff
entirely destitute of any furniture
or any place to live or any means
of support of her self and his
and Plaintiff's children when he
abandoned her and the children
in such condition and has gone
to parts to Plaintiff unknown

Plaintiff avers that she has resided within this State for more than one whole year next before the filing of this petition. She says also there were born of the marriage two children now of tender years ~~Augustus a son~~ ^{near} Augusta a daughter aged two years and Jesse also a daughter aged seven months, wherefore Plaintiff prays the court to Decree that she be divorced from the Bonds of Matrimony contracted as aforesaid with Defendant, that she be adjudged to have the care and custody of her said infant children and that her name be changed to her maiden name of Evans and that the court will grant other relief —

Wm. Williams,
Attorney for Plaintiff

Mary E. Atwood Plaintiff on oath says the matters & allegations in the foregoing petition are just and true according to the best knowledge and belief of Plaintiff that the complaint is not made out of levity or by collusion fear or restraint ~~between~~ between the parties for the mere purpose of being separated from

each other but in sincerity and
truth for the purposes
stated in the complaint and
she further states that the
Defendant is a non resident
of the State of Missouri.

Moved and Subscribed Mrs. Mary. Atwood
before me February 23rd 1878.

C. Thos. Horne Clerk Circuit

20 4499

Mary G. Atwood
vs

Augustus Atwood

action for a

divorce

6647

Filed Feb'y 23rd 1878.

C. Thos. Horne
Clerk

ORDER OF PUBLICATION BY CLERK IN VACATION, &c.

In the Circuit Court of Jefferson County,
May Term, 1878. February 23rd 1878.

Mary E. Atwood
 Plaintiff
 versus

In Vacation after _____ Term, 187_____.

Attachment.

Augustus Atwood
 Defendant

The Plaintiff having filed ^{her} petition duly verified by affidavit, whereby it appears to the ^{undersigned clerk} Court, that the said Defendant Augustus Atwood is a non-resident of the State of Missouri.

it is therefore ordered, that the Defendant be notified that a civil action has been commenced against him for the sum of the object and general nature Dollars, on account of of which is to obtain a decree of divorce from the bonds of matrimony now existing between plaintiff and defendant, upon ground, that defendant has wholly failed to and that all _____ right, title and interest of, in and to the following described _____ property, to wit: furnish the plaintiff and his children born of the marriage, the necessaries of life, and plaintiff also asks for the care, custody and control the children aforesaid,

~~has been attached~~; and unless he ~~he and~~ appear at the Term of this Court, to be begun and held at the Court House, in the Town of Hillsboro within and for the County of Jefferson, on the second Monday of May next, and, on or before the sixth day thereof; if the Term shall so long continue, ~~and if not, then on or before the last day of said Term, answer to the action aforesaid, according to law, judgment will be rendered against~~ the petition will be taken as confessed and accordingly and _____ property sold to satisfy the same. And it is further ordered, that

a copy hereof be published according to law, in the Jefferson Democrat a newspaper printed and published in the Town of Hillsboro and County of Jefferson.

A TRUE COPY FROM THE RECORD.

WITNESS MY HAND and the Seal of the Circuit Court of Jefferson County,
 this 23rd day of February 1878.

Le Tho Horine Clerk.

Deputy Clerk.

ORDER OF PUBLICATION.

*In the Circuit Court of Jefferson county,
May term 1878, February 23 1878.*

Mary E. Atwood, Plaintiff, vs. Augustus
Atwood, Defendant.

THE Plaintiff having filed her petition duly verified by affidavit, whereby it appears to the undersigned clerk, that the said Defendant, Augustus Atwood, is a non-resident of the State of Missouri; it is therefore ordered, that the Defendant be notified that a civil action has been commenced him; the object and general nature of which, is to obtain a divorce from the bonds of matrimony now existing between Plaintiff and Defendant, upon ground, that Defendant has wholly failed to furnish the Plaintiff and his children born of the marriage, the necessaries of life, and Plaintiff also asks for the care, custody and control the children aforesaid; and unless he be and appear at the term of this Court, to be begun and held at the Court House, in the town of Hillsboro within and for the county of Jefferson, on the second Monday of May next, and, on or before the sixth day of said term, answer to the action aforesaid, according to law, the petition will be taken as confessed, and judgment will be rendered accordingly. And it is further ordered, that a copy hereof be published according to law, in the JEFFERSON DEMOCRAT, a newspaper printed and published in the town of Hillsboro and county of Jefferson.

A true copy from the record.

Attest, C. Tho' Horine, Clerk.

{ ~~~~ } *Witness my hand and the seal of the*
{ SEAL } *Circuit Court of Jefferson county, this*
{ ~~~~ } *23d day of February 1878*

STATE OF MISSOURI, COUNTY OF JEFFERSON.

Be it Remembered, That on this 5 day of April, 1878, before the undersigned Clerk of the Circuit Court of Jefferson County, Mo., came R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement was published in the "JEFF'N DEMOCRAT," a newspaper printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 1 day of March, 1878, and the last insertion on the 22 day of March, 1878, as follows, to-wit:

said term, answer to the action aforesaid, according to law, the petition will be taken as confessed, and judgment will be taken accordingly. And it is further ordered that a copy hereof be published according to law, in the JEFFERSON DEMOCRAT, a newspaper printed and published in the town of Hillsboro and county of Jefferson. A true copy from the record.
Attest, C. Tho' Horine, Clerk.
Witness my hand and the seal of the Circuit Court of Jefferson county, this 9-12 day of February 1878
C. THO' HORINE, Clerk.

In No. <u>9</u>	<u>March</u>	<u>1</u>	, 187 <u>8</u>
In No. <u>10</u>	"	<u>8</u>	, 187 <u>8</u>
In No. <u>11</u>	"	<u>15</u>	, 187 <u>8</u>
In No. <u>12</u>	"	<u>22</u>	, 187 <u>8</u>

Amman

Sworn to and subscribed before me, this

5 th day of April, 1878.

Printer's Fee, S. D. —
Affidavit, S. —

Co. Clerk.

Received Payment,

West. April 8th 1878
St. Morris
Oleary

Mary E Atwood Plaintiff }
Against }
Augustus Atwood Defendant }

In the Circuit
Court of Jeff Co Mo.

Now comes the Defendant and for
answer to petition of Plaintiff in
said cause denies each and
every allegation in said petition
except as to the marriage of Plaintiff
and Defendant, and the birth of
the children named in the peti-
tion, wherefore Defendant prays
Judgment.

Byrnes & McMullin
And J. J. Green

Attys for Deft.

No 20.

Mary E. Shwood

vs

Augustus Shwood

Answer.

Filed July 94898
Catho. Horine
Clerk

Attwood
Attwood

BILL OF COSTS.

DOLLARS CENTS DOLLARS CENTS

J. Tho' Horine, Clerk,

4 Files, ²⁰	Copies, ⁷	Cert. and Seals ¹⁰⁰	1	20
Motion ²⁰	Sum. and Copies ⁷	Orders ⁷⁰	40	1 30
	Leave to ans ²⁰	Copy ¹⁰⁰	20	
Affd's ²⁰	Default	Judg't. ¹⁰⁰	1	45
Fee Bill ¹⁰	Making Costs ²⁰		30	
Copy of Decree			30	
Ent. Sat.	Execution			4.55

Sheriff

Sheriff

R D W Mullin Printer

800

17 55