

Jefferson County Circuit Court
Case Files - Civil
January 1888, No. 54

Ogle, Delphia

vs

Ogle, John

Divorce

Married 19 July 1881; desertion;
defendant counts claimed lack of
cohabitation; depositions

Box

39 Folder 32

Delphia Agle - Plaintiff

Against

John Agle - Defendant

In the Circuit Court of Jefferson
County Mo - To May 7. 1888,

The Plaintiff states that she was lawfully married to the defendant in Jefferson County Missouri on the 19th day of July 1881; that she continued to live with the defendant from the date of said marriage until about the 20th day of December 1883; that during the time aforesaid she faithfully demeaned herself as the wife of defendant and treated him kindly but she avers that the defendant wholly disregarding his duties as her husband about the 20th day of December 1883 abandoned and deserted the plaintiff and has absented himself without a reasonable cause for the space of one whole year and more -

Plaintiff states that she is now a resident of Jefferson County in the State of Missouri; that she has resided in said County and State one whole year next immediately preceding the filing of this petition - Wherefore the plaintiff for the cause hereinabove stated in this petition prays to be granted a divorce from the bonds of matrimony contracted as aforesaid with the defendant, and that she may be restored to her

former name, viz Delphia Williams, and that
she may have a decree vestingⁱⁿ her absolutely
all property Real and personal owned by
her prior to her marriage with said
defendant and for such further judg-
ment and decree as may be just & proper.

J. F. Green

Atty for the Plaintiff

Delphia Ogle the plaintiff named in the
foregoing petition being sworn under oath says
that the facts stated in the said petition are true
according to the best of her knowledge & belief and
further that her said complaint as above set forth
is not made out of levity or by fear collusion
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
stated in the said petition: and she further states
that the defendant John Ogle is not a
resident of the State of Missouri.

Delphia Ogle

Subscribed & sworn to before me this 13th day
of December 1887.

W. R. Somell

ex Co Court
of Jeff Co Mo.

Stephen Ogden - 1874
John Ogden 1874

Petition for divorce
"

Filed Dec 17/1887

W.D. Ogden

Attorney

ORDER OF PUBLICATION.

Wagner's Statutes, Page 1008, Sections 13-15.

State of Missouri,

COUNTY OF

SS.

In the Circuit Court
of Jefferson said County,

January Term, 1888.

Saturday January 21st 1888

Relphie Ogle
VS
John Ogle

Plaintiff

Defendant

*AT THIS DAY COMES the Plaintiff herein, by her Attorney J. F. Green

and files her Petition and affidavit, alleging, among other things, that Defendant

* John Ogle

is not a not resident of the State of Missouri:

WHEREUPON IT IS ORDERED by the Court that said Defendant be notified by
Publication that Plaintiff has commenced a suit against him in this Court, * The object and
general nature of which is to obtain a decree of this
Court dissolving the bonds of matrimony now existing
between Plaintiff and Defendant on the ground of
abandonment without reasonable cause for more
than one whole year

(OVER)

and that unless the said

John Ogles

be and appear at this Court, at the next Term thereof, to be begun and holden at the Court House in the Town
of *Hillsboro*, in said County, on the *second Mon* day of *May*
next, and on or before the *sixth* day of said Term, if the Term shall so long continue—and if not, then on or
before the last day of said Term—answer or plead to the Petition in said cause, the same 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 *Jefferson County*
State of Missouri

CIRCUIT CLERK.

A True Copy from the Record.

WITNESS my hand and the Seal of the Circuit Court of *Jefferson*
County, this *13* day of *February* 188*8*.

W B Vinzay
CIRCUIT CLERK.

D. C.

GEO. D. BARNARD & CO., PRS., ST. LOUIS.

Order of Publication.

Wag. Stat., pg. 1008, Secs. 13-15

Alphhia Ogles
vs.
John Ogles

TO THE PUBLISHER OF THE

Please publish the within for four successive
weeks, the last insertion to be, at least, four
weeks before the *second Mon* day
of *May* 188*8*.

W B Vinzay
CLERK.

ORDER OF PUBLICATION.

STATE OF MISSOURI, }
County of Jefferson, } ss.

In the Circuit court of said county, January term, 1883—12th day, January 21, 1883.—Delphia Ogle, plaintiff, vs. John Ogle, defendant.

At this day comes the plaintiff herein by her attorney, James E. Green, and files her petition and affidavit, alleging among other things that defendant, John Ogle, is a non-resident of the State of Missouri: Whereupon it is ordered by the court that said defendant be notified by publication that plaintiff has commenced a suit against him in this court, the object and general nature of which is to obtain a decree of said court dissolving the bonds of matrimony now existing between plaintiff and defendant, on the grounds of abandonment without reasonable cause for more than one whole year; and that unless the said John Ogle he and appear at this court, at the next term thereof, to be begun and holden at the courthouse, in the Town of Hillsboro, in said county, on the second Monday of May next, and on or before the sixth day of said term, if the term shall so long continue—and if not, then on or before the last day of the term—answer or plead to the petition in said cause, the same 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 Jefferson county, Missouri.

A true copy from the Record.

WITNESS MY HAND and the seal of the Circuit court of Jefferson county, this 13th day of February, 1883.

February 22, 1883.

D. B. VEAZEY,
Circuit Clerk.

THE STRIKE IN COURT.
 The following application for a
 order was filed before Judge Gresham
 this morning: Rera et al. vs. Wabash
 Charles R.

it is over
 City

STATE OF MISSOURI,

COUNTY OF JEFFERSON, ss.

Be It Remembered, That on this 14 day of March, 1888

before the undersigned Clerk of the Court of Jefferson County, Mo., came
 R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement
 was published in the JEFFERSON 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 25 day of February, 1888, and the last insertion on the
14 day of March, 1888, as follows, to-wit:

In No. <u>10</u> ,	<u>Feb 22</u>	188 <u>8</u>
In No. <u>11</u> ,	<u>29</u>	188 <u>8</u>
In No. <u>12</u> ,	<u>Mar 7</u>	188 <u>8</u>
In No. <u>13</u> ,	<u>14</u>	188 <u>8</u>

R. W. McMullin

Sworn to and subscribed before me, this 25 day
 of Apr, 1888
D. B. Bryant
 County Clerk.

Printer's Fee, \$ 10 }
 Affidavit, \$ }

Received Payment,

Filed Apr 25/88
D.B. Veazey
Clerk

Delphia Ogle	}	In the Circuit Court of Jefferson County Missouri
Plaintiff		
Against		
John Ogle		
Defendant		

Now at this day comes the Defendant and for answer and cross bill in the above entitled cause admits that he was lawfully married to the Plaintiff in Jefferson County Missouri at the time stated by the Plaintiff in her petition filed by her in this cause, to wit: on the 19th day of July 1881 but Defendant denies that he on the 20th day of December 1883 or at any other time abandoned or deserted Plaintiff without a reasonable cause and denies that he has since said 19th day of December 1883 or at any time since said marriage absented himself without a reasonable cause from Plaintiff for the space of one whole year or for any other period of time.

By way of cross Bill the Defendant states that from and after his marriage

with Plaintiff as aforesaid
he continued to live with
the Plaintiff as her husband
~~and that during~~ until on
or about the 20th day of
December 1883 and that
he during all that time
faithfully demeaned him-
self as the husband of
Plaintiff and at all times
treated her with kindness
and affection. But Defendant
states that during said
period of time in which
he was living with Plaintiff
as her husband as
aforesaid the Plaintiff wholly
disregarding her duties as
the wife of Defendant offered
such indignities to Defendant
as rendered his condition
intolerable in this, to wit:
by refusing for some five
or six months next prior
to the 20th of December 1883
and without reasonable cause
to cohabit with Defendant or
to sleep in the same bed
with Plaintiff; by often
during said period indulging
in harsh and abusive
language towards Defendant
and by calling him harsh

names such as a lofer and other insulting epithets; by habitually locking the doors of the dwelling house in which Plaintiff and Defendant resided to keep Defendant out of the same when she would be temporarily absent, and by otherwise treating Defendant with contempt. And Defendant states that on at the time he left Plaintiff which was on or about the 20th day of December 1883 Plaintiff ordered him to leave the place at which he and Plaintiff resided which was owned by Plaintiff, and Defendant states that as Plaintiff had often before that time ordered him to leave said place and that by that means together with her other treatment of him rendered his ~~condition~~ condition intolerable he left Plaintiff as ordered by her on ^{for about} said 20th day of December 1883 for good and sufficient cause and has since remained away from her. Defendant therefore prays the court that he may by ~~per~~ Decree of the court be

divorced from the bonds of
matrimony contracted as
aforesaid with Plaintiff. And
that the Court will grant other
proper relief. Jos. J. Williams
Attorney for ~~the~~
Defendant

John Ogle the Defendant on his
oath states that the facts
stated in the above answer and
Cross Bill are true according
to the best knowledge and belief
of the Defendant and that the
complaint therein contained 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 stated in
said answer and Cross Bill.

Subscribed and
Sworn to before
me August 6th 1888 }
D. B. Veazey Clerk ch. }
John ^{his} Ogle
Married

#44

Deftie S. S. S.

(23)

John S. S.

Answer of
Deftie S. S.

Let

Filed August 6/1888

W. B. Hayes
Clerk

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

J. J. Jefferson } ss.

No. 30

THE STATE OF MISSOURI, To

James B. Wallens

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town of *Willsboro*

the *13th* day of *Sept*, within and for said County, on *Thursday* A. D. 1888, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein *William Ogle* is Plaintiff,

and *John Ogle* is Defendant,

on the part of said *defendant*, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in *Willsboro* in said County, this

4th day of *Sept* A. D. 1888

R. D. Meyer CLERK.

By..... DEPUTY CLERK.

SUBPENA.

No. 30

CIRCUIT COURT

Of _____ Co., Mo.,

September Term, 1888

Helphie Ogle

vs.

John Ogle

PLAINTIFFS

WITNESSES.

DEFENDANTS

Day of Trial Sept 13

James Swallow Sept 13

d. n. d.

Filed Sept 11/1888

D. D. Drayton
clerk

FEE, \$

1.50

RETURN.

I hereby certify that I served the within Writ in the County of _____
and State of Missouri, on the _____ day of _____, 1888, by

James H. Swallow, James Swallow

Sept 11 1888
James H. Swallow
D. D. Drayton

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

} ss.

No.

49

THE STATE OF MISSOURI, To

Mrs. Geo. H. Williams

You are *Hereby Commanded*, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the *town*

of *Stillsboro*

within and for said County, on

*Thursday*the *13d* day of*September*

A. D. 1888

, then and there

to testify and the truth to speak in a certain matter of controversy now pending in our said Court,

wherein *Alfreda Wyle*

Plaintiff,

and *John Wyle*

Defendant,

on the part of said

defendant

, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in

Stillsboro

in said County, this

11 day of*Sept*

A. D. 1888

Wm. H. Neasey

Clerk.

By

Deputy Clerk.

SUBPENA.

No. 49

CIRCUIT COURT

Of _____ Co., Mo.,

Sept Term, 1888

Ralphia Ogle

vs.
John Ogle

PLAINTIFFS'

WITNESSES.

DEFENDANTS'

Day of Trial

Sept. 13

Mrs. Geo. H. Ogle

William

as Geo. McKee

man Cedar Hill

Filed Sept 15/1888

D. B. Keagy
clerk

RETURN.

I hereby certify that I served the within Writ in the County of _____
and State of Missouri, on the 12th day of September, 1888, by

Geo. H. McKee

Geo. H. McKee

FEE, \$

50

not found in my County
reading the same in the presence of the sheriff and presence of the sheriff and presence of the sheriffGeorge W. McKee
By Ed. H. H. H. H.

NOTICE TO TAKE DEPOSITIONS.

(Wagner's Stat., page 523, Sec. 9; page 524, secs. 10-13.)

Delphia Ogle

AGAINST

John Ogle

Plaintiff ,

Defendant .

In the

Court of

County of

Circuit

the

Jefferson

STATE OF MISSOURI.

TO THE ABOVE NAMED

Plaintiff

YOU ARE HEREBY NOTIFIED, That depositions of witnesses to be read in evidence in the above entitled cause, on the part of the Defendant will be taken at the office of F. J. Sheible, a Justice of the Peace, in the Town of Hillsboro.

in the County of Jefferson and State of Missouri
on the 28th day of September 1888, 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, until completed.

Service of the above notice is hereby acknowledged, and
issue of depositions, and all exceptions as to time, waived.

, 1888

Jas. Williams
Attorney for Defendant

I hereby certify that I served the within notice in
the county of Jefferson in the State of Missouri on the
24th day of September 1888. by leaving a true copy of the
within notice as furnished me by Joseph Williams
attorney for the Defendant in the within case to
~~the within named~~ James H. Green attorney for
the within named Plaintiff

Dec 50^c

Jefferson County MO
J. W. Fry Sheriff

State of Missouri }
County of Jefferson } S.D.

Depositions of witness, produced,
sworn and examined, on the 28th day of
September, ^{A.D.} 1888, between the hours of 8
o'clock in the forenoon and 6 o'clock in
the afternoon of that day, at Hillsboro, in
the County of Jefferson and State of Missouri,
before me, F. J. Scheible, Justice of the Peace,
in a certain cause now pending in the
Circuit Court of the County of Jefferson, in
the State of Missouri, between Delphia
Ogle, plaintiff, and John Ogle, defendant,
on the part of the defendant.

John Ogle, of lawful age,
being produced, sworn and examined,
on the part of the defendant, deposes and
sayseth:

Question What is your name, age and where do you
reside?

Answer. John Ogle, six-seven years old, and am
now living in Van Buren County, Iowa.

Question Did you formerly live in this county; and if
so, when did you leave it and remove to Iowa?

Answer. Yes, sir; always lived here up to four years
ago, when I moved to Iowa.

Question State if you are the defendant in the divorce suit of Delphia Cyle against John Cyle, now pending in the Circuit Court of Jefferson County, Missouri?

Answer Yes Sir.

Q. State if you please when you were married to plaintiff?

A. In July, ~~1888~~ 1881.

Q. Did you reside with the plaintiff, your wife; and if so, where at and how long after the marriage?

A. I did; at Hematite, Mo., and ~~about~~ ^{between} two and three years, up to December, 1883.

Q. State, if you please, how it happened that you and she did not continue to live together; did either abandon the other, and if so, which?

A. I was living with her on her place, and I left her.

Q. Why did you leave her—state fully your reasons for doing so?

A. She got so ill that I could not be contented on the place; I could not do anything to please her.

Q. What did she do that was disagreeable to you?

A. Well, she was all the time quarrelling—jarring about something or other—foolish things, did not amount to anything. She finally got so that she would not fix the bed till 10 and 11 o'clock at night for me to lay down, and I many a night slept in a chair

till midnight, on account of her not fixing up the bed sooner. She kept that up for a while, and finally quit sleeping in the bed we had been sleeping in and slept on a ^{lounge} ~~bringe~~.

Q. State whether or not she continued that until you left her?

A. Yes, sir; she kept it up until I left her.

Q. I will ask you now whether or not she ever gave any reason for that conduct toward you?

A. No, sir; she never gave any.

Q. State whether or not she was ever guilty of any other conduct towards you, which you regarded as improper; and if so, state what it was and when?

A. She got so ill that I finally could not rent out the house at all; she would look up the main part of the house whenever she went away, and I had to stay in the kitchen. She did that from the start.

Q. Did she ever assign any reason to you for that sort of thing?

A. No, sir; none at all.

Q. State whether or not she, during the time you were residing with her, used any violent or offensive language towards you such as calling you names, etc.; if so,

A. What did she say?

A. She called me a dead-beat, ^{and} loafer.

Q. State whether she frequently called you such names as that?

A. Yes, sir; she often called me such names, and ordered me to leave the place very often.

Q. State whether or not her orders to you to leave had anything to do with your leaving?

A. Yes, sir.

Q. Well, how long had she been continuing to order you to leave before you left her?

A. From time to time for just near two years, and she last ordered me to leave only a few days before my leaving her.

Q. State whether or not she in any wise interfered with you in the use of property about the place, and if so, what did she do in that respect?

A. Yes, sir; she would not allow me to sell anything off the place; and when she sold anything it was sold while I was gone - away from home - and delivered the sold articles. She never gave me a nickel of anything she sold.

Q. Well, now, you may state, whether or not it was because of that sort of conduct that you were stating, that induced you to go to Iowa, where you are living now?

A. Yes, sir.

Q. State whether or not you ever offered to sell any of her stock, or personal property, at all?

A. None of her's, I did not.

Q. Did she ever, at any time, interfere with your selling your own personal property; and if so, what did she do about that?

A. She would not allow me to sell it without a fuss; but she would sell it, when I was gone; she sold a lot of meat, and four

head of cattle, belonging to me, in my absence and kept the money. I never sold any thing but a bushel of corn, and she got the money for that, the purchaser paying her and she keeping the money.

I will further state that she was in the habit of refusing me to work about the place. On one occasion she had hired a man by the name of Swallow to fix a fence. Mr. Swallow asked me to help him; I did so, and she came and ordered me to quit. I wanted to buy stock. I bought a calf, and she fussed with me until I sold it again and then I left. I

owned a place of my own, and wanted her to move upon it with me, which she refused to do.

Cross Examination.

Question. How old were you when you and Mrs. Cyle were married?

Answer. I think I was about sixty-one or sixty-two.

Q. What personal property of your own had you?

A. I had none when I was married.

Q. Witnesses:

F. J. Sheible

John ^{his} X Cyle
_{mark}

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

F. J. Sheible, J. P.

State of Missouri }
County of Jefferson } Sd.

I, F. J. Sheible, a Justice of the Peace within and for Central Township, County of Jefferson, in the State of Missouri, do certify that in pursuance of the annexed notice and my commission as Justice of the Peace, came before me, at Hellsboro, in the County and State last aforesaid, John Ogle, who was by me sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was examined, and his examination reduced to writing, and subscribed by him, in my presence, on the day, between the hours, and at the place in that behalf first aforesaid, and his said depositions are herewith returned.

And I further certify that said John Ogle is a resident of Van Buren County, in the State of Iowa.

Given under my hand, in the County of Jefferson and State of Missouri, this 28th day of September, 1888.

F. J. Sheible, J. P.

Filed Oct 1st 1888
N.D. Keane
clerk

Delphia Ogle, Plaintiff,
vs.
John Ogle, Defendant,
depositions for Defendant.

Filed Oct 1st 1888

D. B. Vealey
Clerk

Wm. C. Ogle

D. B. Vealey

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

} ss.

No. 18

THE STATE OF MISSOURI, To

Ost Norvell

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person before the Judge of our Circuit Court, at the Court House in the town of Stilleboro

the 17th day of January A. D. 1889, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein Welford Osle is Plaintiff,

and John Osle is Defendant,

on the part of said Plaintiff, and this you shall in no wise omit. And the person or officer serving this writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in Stilleboro in said County, this

10th day of January A. D. 1889

W. O. Steyer CLERK.

By: Deputy Clerk.

SUBPENA.

No. 18

CIRCUIT COURT

Of _____ Co., Mo.,

Term, 1889

Jany
Reephia Ogle

vs.

John Ogle

PLAINTIFFS' }

WITNESSES.

~~DEFENDANTS'~~Day of Trial Jany. 17th/89

O. H. Donnell

Filed Jany. 21/1889
d. B. Reozey
ced

FEE, \$

RETURN.

I hereby certify that I served the within Writ in the County of

day of

January, 1889, by

J. S. Donnell
J. S. Donnell to O. H. Donnell

J. S. Donnell

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

{ ss.

No.

31

THE STATE OF MISSOURI, To

Jefferson }
Bartharine Williams

(Mrs. George Williams)

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town
of *Stellarsboro*, within and for said County, on *Thursday*

the *17th* day of

January A. D. 1889, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein

Alfreda Gale is

Plaintiff,

and

John Gale is

Defendant,

on the part of said

defendant

, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the
time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in *Stellarsboro*

gal in said County, this*gal* day of *January* A. D. 1889

CLERK.

By

DEPUTY CLERK.

W. B. Deager

SUBPENA.

No. 31

CIRCUIT COURT

Of _____ Co., Mo.,

January Term, 1889
Welfhia Oglevs
John Ogle

PLAINTIFFS

DEFENDANTS

WITNESSES.

Day of Trial

Jan'y 17th
Catharine Williams

FEE, \$

5-11

RETURN.

I hereby certify that I served the within Writ in the County of

15th day of

Feb

1889 by

Reading the within Subpoena
to and for the return of Catharine
WilliamsWm. Armstrong
C. B. Martin

Filed Jan'y 24/89

D. B. Reagen

Delphia Ogle Plff

^{vs}
John Ogle Defth
In Circuit Court of Jefferson Co Mo.

Now comes plaintiff and for replication
to the answer & crossbill of defendant in
the above cause denies each and every al-
legation in said crossbill contained.

J. F. Green
Atty for Plff.

Alphie Doyle. Sept
1889.

John Doyle. Sept

Application

Filed Jan 14th 1889

A. B. Neagren

6336

No.

Box

Borwick

Count

Jefferson

County

Zeephia Ogle

John Ogle ^{vs}

Cause of Action

divorce

Filed

Dec 17

1887

A. D. Morgan

CLERK

Wm. F. Green

PLAINTIFF'S ATTORNEY

Wm. F. Williams

DEFENDANT'S ATTORNEY

(541)

STANDARD PRINTING CO., HANBIBAL, MO.

LIST OF PAPERS IN THIS SUIT.

Record Entries - 258, 324, 358, 377, 424, 478

Record 13 -

Jan 21 1888 Order publication

p. 258

May 22 " doan to file doan to file

" 324

Aug 6 " doan to file doan to file

" 358

Sept 14 " Continued

377

Jan 14 1889 Replication

424

" 25 " doan to file doan to file

478