

November 1865, No. 18

Hicks, Martha Jane
vs

Hicks, Samuel K.

Divorce

Plaintiff by next friend James
Wilkinson; married 16 March 1865;
abuse; "brought Negroes to live in
the house on equality with Plaintiff";
depositions

Martha Jane Wicks, - plaintiff }
Against }
Samuel L. Wicks, - defendant }
} In the Circuit Court of
} Jefferson County Missouri,

The Plaintiff, by her next Friend, James Wilkinson, states that, on the 16th day of March 1865, in Jefferson County Missouri, she was lawfully married to the Defendant, that she continued to live with him as his wife from that time until about the 18th day of September last, that during all that time Plaintiff faithfully demeaned herself, and discharged all her duties as the wife of Defendant, and ^{all} at times treated him with kindness and affection; but that the Defendant wholly disregarding his duties as the husband of Plaintiff, began soon after said marriage, without any just cause or provocation, to curse and abuse Plaintiff, and to taunt her with indecent talk in reference to his having intercourse with other women. And finally on the 18th day of September 1865, the Defendant after cursing and abusing Plaintiff most shamefully, threw her goods & chattels out of doors, and drove her away from her home, ordering ^{her} to leave, and threatening her life if she returned. Plaintiff therefore Charges that the Defendant has been guilty of such cruel and barbarous treatment towards Plaintiff, since her marriage with him, as

to endanger her life; That he habitually slept with his pistol under his head, and from his threats Plaintiff continually feared that her life was in danger. Plaintiff further states that the Defendant has offered such indignities to Plaintiff, since her marriage with him, as to render her condition intolerable; in this, that he brought Negroes to live in the house on equality with Plaintiff, and by his indecent representations of his conduct with other women.

Plaintiff further states that she has resided within the State of Missouri, one whole year next before the filing of this petition. Plaintiff further states that the said Defendant is seized and possessed of real and personal estate of the value of two thousand dollars, and that she is 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 the Court will assign to her such support and maintenance out of the property of the Defendant, and for such time as the nature of the case and the circumstances may require, and to compel the Defendant to give security for such maintenance; and to restore Plaintiff to her maiden name, that of Martha Jane Goza, and to make such other and further orders and judgments touching the premises as may be just and proper.

Martha Jane Wick,
Plaintiff

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This Affiant, the Plaintiff, makes oath and
says the facts as stated in the above Petition
are true, according to the best knowledge
belief of the Plaintiff, and that the Com-
plaint is not made out of levity, or by Col-
lusion, fear or restraint, between the Plain-
tiff and the Defendant, for the mere pur-
pose of being separated from each other,
but in sincerity and truth for the cause
mentioned in the petition.

Sworn and Subscribed by J. Hicks
before me this
9 day of October 1865
Saml. A. Rapply Clk

In Circuit Court
Dorchester County

Martha Jane Wick

^{vs,}
Saml L. Wick

Petition for Divorce,
Let Summons
issue in, doft, to
Dott. Co. Almon
for Pet

and by Verint

Filed Oct 12 1865
Samuel A. B. W.
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

Samuel L. Hicks

if he be found in your County, that he
be and appear before the Hon. 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 November next, then and there to answer unto

Martha Jane Hicks

upon her original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, *Samuel A. Reppe*, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *second*

day of *October* A. D. 1865

Samuel A. Reppe
Clerk Circuit Court.



I do certify this writ in the County of Jefferson State of Missouri on the 3rd day of Oct 1865 by giving to Saml Hicks a true copy of this writ and annexed petition as furnished to me by the Clerk.

Wm H. Hatcher Sheriff
By John Williams
Clerk



182372

Received October 5

TO JEFFERSON CIRCUIT COURT

November Term, 1865

Martha J. Hicks

Against

Samuel L. Hicks

26 Oct

Sheriff's fees 1.50

Filed Oct-19-1865

Samuel A. Reppey Clerk

Martha Jane Wicks, - plaintiff } In the Circuit
Against } Court for the
Samuel L. Wicks, - defendant } County of
Jefferson, State of
Missouri.

To Samuel L. Wicks, the above named
Defendant;

You are hereby notified that
depositions of witnesses, to be read in evidence
in the above cause, on the part of the Plaintiff,
will be taken at the Court House, in the Town
of Hillsboro, in Jefferson County, in the State
of Missouri, on the ninth day of October 1863,
between the hours of Eight O'clock in the forenoon,
and Six O'clock in the afternoon; 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.

Martha Jane Wicks
By A. Green, her Attorney.

In Circuit Court
 Jefferson County
 Martha Jane Hicks
 vs.
 Samuel L. Hicks
 Notice to take
 Depositions.
 John Williams Dep. Sheriff
 fee 75

I Executed the Within in Jefferson County mo
 on the 5th Day of October 1865 delivering
 Samuel L Hicks a true copy thereof

C. C. Fletcher Sheriff
 by John Williams



Depositions of witnesses pronounced, sworn
and examined, on the ninth day of October in the
year 1863, between the hours of eight O'clock
in the forenoon, and six O'clock in the afternoon,
of that day, at the Court House in the Town of Hills-
boro, in Jefferson County, in the State of Missouri,
before me, Sullivan Frazier, a Justice of the
Peace, within and for the County of Jefferson in
the State of Missouri, in a certain cause, now pend-
ing in the Circuit Court of the County of Jefferson
in the State of Missouri, between Martha Jane Wicks
Plaintiff, and Samuel L. Wicks, defendant, on
the part of the Plaintiff,

John Wicks of lawful age, being pro-
^{sworn and examined}
~~duced and sworn~~ on part of the Plain-
tiff, deposes and saith as follows;
I heard Mr. Hyck say ~~if she~~ to Mrs Hy-
^{admitt}
~~ck~~ if she did not like him he dare
to get up and leave this was on Friday
about three weeks ago at Mrs Hyck's
residence in Jefferson County the reason
why Hyck said this she asked him
why he brought the negroes there with
out letting her know there was no other
persons present when Hyck said this to
Mrs Hyck and my self there was
five negroes and they had come there that

day and they were in the kitchen, at
the time of the conversation above
stated I heard Mrs Hyek's say at a
mother ^{to his wife} time she had not strength
enough to leave the next Tuesday
afterwards put Mrs Hyek's thing out
on the front porch which consisted of
bed and bedding I was present then
I left them to get a team to haul
away Mrs Hyek's thing on this day
Mrs Hyek's cattle was turned out of
the pasture and Mrs Hyek's told me
me to turn the cattle back into the
pasture so there would not be any
excuse about a week before Mrs
Hyek's left she was sick and con-
fined to her bed with chills and fever
at this time Mrs Hyek's was not at
home there was no person there but my
self and another boy I went after
Mrs Clark and she not being able
to come Mrs Clark came
Mrs Hyek's was sick three or four
days and Mrs Hyek's went away
every day and came back at night
but I have been living with Mrs
Hyek's from the 16th day of May last
until the day Mrs Hyek's

Cross examination

at the time the conversation took place between Mrs and Mr Hyck at ant the negroes she added that Mr Hycks could take choice of her as the negroes and then Mrs Hycks replied that if she did not like what he said she could get up and leave I have seen them both mad at in conversation with another the negroes that was there consisted of a man and woman and three children one of the children was a boy about fifteen years old and one about seven years old the other a baby the negroes stayed in the kitchen did Mr Hycks want in any hands to work on the Road as work on the Road during Mr Hycks sickness Mrs Hycks was riding around ~~several~~ ~~days~~ a day or two during Mr Hycks sickness and one day when he went away with his Cox he said he was going to work on the Road the plaintiff objects to so much of the above answer as stated what Mr Hycks said as being hearsay and illegal.

John ^{Hyck} ~~Hyck~~

Subscribed and sworn to before me, on the day, at the place, and ^{within} ~~between~~ the hours first aforesaid. Sullivan Magier Justice of the peace

I, Sullivan Hrazier, a Justice of the Peace within
and for Jefferson County, in the State of Missouri,
do Certify that in pursuance of the annexed No-
tice, Came before me, at the Court House, in the
Town of Hillsboro, in Jefferson County, in the State
of Missouri, John Hicks, who was by me
sworn to testify the whole truth of his knowl-
edge touching the matter in controversy afore-
said; that he was examined, and his exam-
ination 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 deposition is
now herewith returned,

Given at the Court House, in Hillsboro, in
the County of Jefferson, and State of Missouri,
this ninth day of October 1863.

Sullivan Hrazier
Justice of the Peace

Marta Jane Hicks

vs.

Samuel L. Hicks

Depositions of
a witness, on part
of Plaintiff

Received by the hands
of Sullivan Hrazier Esq.
Opened and
Filed Oct 9 1863

Saml. H. Rapp
Clerk

Martha Jane Hicks, plaintiff } In the Circuit
against } Court of Jefferson
Samuel L. Hicks, defd. } vs. Mo.

Defendant in answering plaintiff's petition, admits, that he and plaintiff were lawfully married on or about the ^{16th of March 1865} day as mentioned in said petition, also that she ^{plaintiff} continued to live with him as his wife till about the 18th of Septer 1865, but defendant denies, 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; defendant further denies, that he wholly disregarded his duties as the husband of plaintiff, and that he, soon after the said marriage, began, without any just cause or provocation to curse and abuse plaintiff, and to taunt her with indecent talk in reference to his having intercourse with other women. Defendant further denies, that on the 18th of Decr. 1865, he, ^{was} ~~at~~, ~~for~~ cursing and abusing plaintiff, and then threw her goods and chattels out of doors, and drove her away from her home, Defendant also denies, that he ordered plaintiff to leave, and threatened her life, if

she returned; defendant denies, that he has been guilty of such cruel and barbarous treatment towards plaintiff, since her marriage with him, as to endanger her life; that he habitually slept with his pistol under his head, and states, that there was no cause for plaintiff to fear, that her life was in danger, on that or any other account; defendant further denies, that he has offered to plaintiff such indignities since her marriage with him, as to render her condition intolerable by bringing Negroes to live in the house on equality with plaintiff, and ~~by~~ also denies, that he brought Negroes to live in his house on equality with plaintiff, and made indecent representations of his conduct with other women,

Defendant says, he has no information or knowledge, sufficient to form a belief, that plaintiff has resided within the State of Missouri one whole year next before filing her petition, and denies that he is seized and possessed of real and personal estate of the value of two thousand dollars,

~~Defendant by way of counter charge~~
states, that

Thomas G. Ahrens
Atty for Defd.

Am Jefferson County
Edward Leonard
May term 1866

Martha Jane Hook

vs.

Samuel Q. Hook

Chancery

Filed Apr 13th 1866.

Samuel H. Popey Clerk