

DeForsse County Circuit Court
Case Files - Civil
November 1866

Box

18 Folder 42

Rutherford, Nathaniel W.
vs
Rutherford, Elizabeth J.

Divorce

Mattd December 1860; desertion;
adultery

Nathaniel W. Rutherford, - Plaintiff }
Against }
Elizabeth J. Rutherford, - Defendant }
In the Circuit Court of }
Jefferson County, Missouri, }

The Plaintiff states that in the month of December 1860, in the County of Jefferson and State of Missouri, he was lawfully married to the Defendant, - that he continued to live with Defendant as her husband, from that time until about the last of May 1865, - that during all that time, Plaintiff faithfully demeaned himself, and discharged all his duties as the husband of Defendant, and at all times treated her with kindness and affection, but that the Defendant, disregarding her duties as the wife of Plaintiff, contracted habits of inconstancy and intercourse with other men, and finally about the last of May 1865, she deserted and abandoned the Plaintiff entirely, and went off, with a man, with whom she has ever since been living in a state of adultery, - Plaintiff therefore charges that the Defendant, has committed adultery since the marriage aforesaid, and that she has, without a reasonable cause, absented herself from the Plaintiff, for the space of sixteen months, since the marriage aforesaid. He further charges that Defendant, by various acts of intimacy with other men, and by acts of inconstancy and indecency, has offered such indignities to Plaintiff as to render his condition intolerable. - The Plaintiff states that the offence and injury complained of as aforesaid has been committed

by the Defendant, while the Plaintiff is a resident of Jefferson County in the state of Missouri. The Plaintiff therefore for the causes above stated, prays to be divorced from the bonds of matrimony contracted as aforesaid with the Defendant, and to make such other orders and judgments touching the premises as may be just and proper.

Abner Green
Attorney for the Plaintiff

This affiant, the Plaintiff, makes oath and says that the facts stated in the above Petition are true, according to the best knowledge and belief of the Plaintiff, and that the complaint is not made out of levity or by collusion, fear or restraint between the Plaintiff and the Defendant, for the mere purpose of being separated from each other, but in sincerity and truth, for the causes mentioned in the petition; and this Affiant further states that the said Defendant, Elizabeth J. Rutherford, is a non-resident of the state of Missouri,

Sworn and Subscribed
before me this 18th
day of July 1866.
Saml H. Kipp Clerk

Nathaniel W. Rutherford

23023

of Circuit Court
Jefferson County

J. W. Puthoff

vs.

E. J. Puthoff

Petition for Divorce
of order of Judge's
action be made,

W. C. Ineson
for plaintiff.

Filed July 18th 1866
Samuel S. Pugh
clerk

State of Missouri,

County of Jefferson.

SS.

BE IT REMEMBERED, That on this 28th day of September,
A. D. Eighteen Hundred and Sixty-Six, before me, the undersigned clerk of
the Circuit Court of Jefferson County,
came Charles A. Clark who by me being duly sworn, says that the annexed advertisement
was published in the **JEFFERSON COUNTY LEADER**, a newspaper printed and published in the town
of Hillsboro, in said county, of which he is printer, for five times, the first insertion being on the 31st
day of August, 1866, and the last on the 28th day of September,
1866, as follows, to-wit:

ORDER OF PUBLICATION.
IN the Circuit Court of Jefferson county,
Missouri, Nov. term, A. D. 1866. In va-
cation, August 28th, A. D. 1866.
Nathaniel W. Rutherford,
against
Elizabeth J. Rutherford.

Petition for a divorce.
Now at this day comes said plaintiff, by
his attorney, and files his petition, verified
by affidavit as the law directs, stating among
other things that said defendant is a non-
resident of the State of Missouri. Where-
upon it is ordered by the undersigned, Clerk
of said Court, that said Elizabeth J. Rutherford
be notified by advertisement of the
commencement of this action, the object and
general nature of which is to obtain a de-
cree of divorce from the bonds of matrimony
existing between plaintiff and defendant, on
the plea that she has committed adultery
since the marriage aforesaid; and un-
less she be and appear before the Circuit
Court of said county on the first day of the
next term thereof, to be begun and held at
the court house in Hillsboro, on the first Mon-
day in November next, and on or before the
sixth day of said term plead to or answer
the petition of said plaintiff, the same will
be taken as confessed against her.

And it is further ordered that
a copy hereof be published in the
Jefferson County Leader, a newspaper print-
ed and published in this State, for four weeks
successively, the last insertion to be at least
four weeks before the next term of said
court.

A true copy of the order. In testimony
whereof I have hereto set my hand
[SEAL] and affixed the seal of said court, at
office, this 28th day of August, A.
D. 1866. SAM'L A. REPPY,
Clerk Circuit Court.

In No. 36, August 31, 1866
In No. 37, Sept. 7, 1866
In No. 37, "14", 1866
In No. 38, "25", 1866
In No. 39, "28", 1866
In No. , " , 1866

C. A. Clark,

me this 28th day of September, 1866

Samuel A. Reppy Clerk

Nathaniel W. Rutherford } In the Circuit Court
vs. }
Ely J. Rutherford } Nov 12th 1867

Dismissed and plaintiff adjudged
to pay costs herein,

S. A. Reppy vs pub, 35^c copy vs #1. files 10^c 1.45
2 affd. 30^c proff pub 35^c deft. 35^c cont 25^c 1.25

2.70

E. F. Honey Indorses, 20^c Dismissal 35^c .35

making cost 25^c this fee bill & vs, 75^c Judgt 50^c 1.50

Incl to Judgt 10^c

\$ 1.0

Low

2.15

John Williams Sheriff, calls 20^c

20

20

Printers fee

8.00

12.45