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Partitions

Book 10th February

1864

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1864

In the Ray Circuit Court, March Term 1864

Sylvia Whitener by her next friend David
G Stockwell - Plaintiff

Against ~~the~~ Dower
David J Whitener - Defendant

Plaintiff by her next friend
David G Stockwell states that on
or about the Sixth day of November 1861
in the County of Ray in the State of
Missouri She was lawfully Married
to the Defendant, that Plaintiff continued
to live with the defendant as his wife
from and after the day and year last
oforsaid until the third day of Nov-
ember 1862 last past; that during all
that time plaintiff faithfully demeaned
herself ~~and~~ discharged all her
duties as the wife of defendant in a
kind and affectionate manner
and at all times treated him in a kind
and affectionate manner - But that
the Defendant wholly disregarding his
duties as the husband of Plaintiff
Sept plaintiff to the house of her father in
Ray county Missouri on or about the 3rd day
of November 1862 and has never come after
her or even called to see her, thereby treating
her with coldness and indifference and Guilty
of offering ^{to Plaintiff} such indignity as to render the condi-
tion of Plaintiff intolerable

Plaintiff further states that Defendant
has committed adultery since the Marriage
oforsaid with one Margaret Raggio about
the 10th of November 1862 -

Plaintiff Says that her Maiden Name
was Sylvia R Stockwell ~~marks~~

Plaintiff States that
She has resided within this State
at least one whole year next prior
to the filing of this petition -

Plaintiff therefore prays
to be divorced from the bonds of Matrimony
Contracted as aforesaid with the defendant,
and pray for a judgment and decree chang-
ing her name to her said Maiden
Name and for such other order and
judgments touching the premises as
May be proper
D. P. Whitmer
Atty for Plaintiff

^{to}
This affiant the plaintiff, Make Oath,
and Says that the facts stated in
the above petition are true accor-
ding 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 defendant, for the mere purpose
of being separated from each other
but in sincerity and truth for the
causes mentioned in the petition

Subscribe and Sworn to before
me this 3rd day of February
A. D. 1864. Bin Woodard
Justice of the Peace



Sylvia R. Whitmer

STATE OF MISSOURI,
COUNTY OF RAY.

The State of Missouri, to the Sheriff of the county of Ray

You are hereby commanded to Summon.....

David J Whitmer Respondent
defendant

to appear in the Circuit Court of the county of Ray aforesaid, at the Court House in the city of Richmond, in said county of Ray,
on the first day of the next term of said Court, it being the 7th day of March A. D. 1864.

and answer the petition of Delia R. Whitmer by her next friend David
E. Rockwell

the plaintiff, which is hereto annexed. You are further commanded to make due return of this Writ, and how you execute the same.

WITNESS, ROBERT SEVIER, Clerk of said Court, with the Seal thereof
hereto affixed, at office in Richmond, this 10th day of February
A. D. 1864.

R. Sevier Clerk.
By C. Sevier Deputy

I hereby acknowledge service of this writ and voice the
necessity of the service thereof by an Officer — Given under
my hand this Eleventh day of February A.D. 1864.
S. J. Whitmer

STATE OF MISSOURI

In the Circuit Court of Ray County, Friday 15th March, Term, 1864

Mary Hays
vs
James Hays

Now at this day come the plaintiff, personally, by her attorney, and on her motion, it is ordered that this cause be dismissed. It is therefore ordered and adjudged by the Court that the plaintiff take nothing by her said writ and that the defendant recover against said plaintiff his costs in this behalf expended, and it is ordered that execution issue therefor.

Settled
Repts &
Kels C.
page 82.

Sylvia D. Whitson by her next friend David J. Stockwell
vs
David J. Whitson

Now at this day come the plaintiff, parties, as aforesaid by their attorney, and by consent this cause is here submitted to the Court on the petition of the plaintiff, Altho upon all and singular the promises being seen, heard and by the Court here fully understood, The Court doth find that the plaintiff is the innocent and injured party, and the Court being further satisfied of the good conduct of the petitioner, It is therefore ordered, adjudged and decreed by the Court here that she be divorced from the bonds of matrimony heretofore contracted with the defendant, and that the name of the plaintiff be altered and changed to that of Sylvia D. Stockwell, her maiden name, and the statutory restriction prohibiting the future marriage of the defendant is removed, either party having the right to marry at any time hereafter, and by consent of said parties this decree is here made final, and the said defendant to pay the costs of this suit, It is therefore considered by the Court here that the plaintiff recover against the said defendant her costs in this behalf expended, and it is ordered that execution issue therefor.

The Union Bank of Missouri
vs
E. S. Sammet, J. S. Menzies, Augustus H. F. Payne and others

Now at this day come the plaintiff, as aforesaid by her attorney, and on her motion, leave is given her to file her allegations and interrogatory herein, at the adjourned term of this Court to be held in June next.

It is remembered that on this day personally appears in open Court here Thomas H. McLaugh, a resident of the County of Ray, in the State of Missouri, and produces before the Court here an instrument in writing under the hand and seal of the said Thomas H. McLaugh, and attested by two witnesses, namely: John Simms and James M. Stone, whereby the said Thomas H. McLaugh emancipates and forever sets free from slavery, his negro man slave, named Wilson Ferris, aged twenty five years, of black complexion, black hair, black eyes and five feet, four and three eighths inches in height, and the said Thomas H. McLaugh being personally known to the Court here to be the same person whose name is subscribed to said instrument, as a party thereto, acknowledges the same before the Court here to be his act and deed for the purposes therein mentioned, and it is ordered that the same be ratified.

It is remembered that on this day personally appears in open Court here Thomas H. McLaugh a resident of the County of Ray in the State of Missouri and produces before the Court here an instrument in writing under the hand and seal of the said Thomas H. McLaugh, and attested by two witnesses namely: John Simms & James M. Stone, whereby he the said Thomas H. McLaugh emancipates and forever sets free from slavery his negro man, named: Albin Thompson, aged nineteen years, of black complexion, black hair, hazel eyes, and five feet eight and one half inches. and the said Thomas H. McLaugh being personally known to the Court here to be the same person whose name is subscribed to said instrument as a party thereto, acknowledges the same before the Court here to be his act and deed for the purposes therein mentioned, and it is ordered that the same be ratified accordingly.