

General No. **3905.** Term No.

September Term, **1915.**

CIRCUIT COURT,

De Witt County, Illinois.

IN THE MATTER OF

Besse Greenwell McCracken,

vs.

Oak McCracken.

CHANCERY

ACTION

DIVORCE.

Herrick & Herrick.

Plaintiff's Solicitor.

Defendant's Solicitor.

Disposed of Term, A. D. 189.....

THE PUBLIC PRINTING COMPANY, CLINTON, ILLINOIS.

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De Witt County, Illinois,
Chancery Court Box
#182, File #3905, Bessie
Greenwell McCracken vs.
Oak McCracken Divorce,
Sep 1915, "Bill for Divorce"
12 Aug 1915, "Decree for
Divorce" 2 Mar 1916; scanned
paper copies of original file.

No. 3905.

Bessie Greenwell McCracken,

VS.

Oak McCracken.

Bill For Divorce.

Original.

FILED
DEWITT COUNTY ILLS.

AUG 12 1915

Elmer Metz
CLERK OF THE CIRCUIT COURT

HERRICK & HERRICK,

Attorneys-at-Law

FARMER CITY, ILLINOIS

STATE OF ILLINOIS }
COUNTY OF DE WITT } SS.

IN CIRCUIT COURT,
SEPTEMBER TERM A.D. 1915.

To the Honorable George A. Sentel, Presiding Judge of said Court,

IN CHANCERY SITTING:-

McCracken,

Your oratrix, Bessie Greenwell, of the City of Farmer City, County of De Witt, and State of Illinois, respectfully represents unto your Honor that she is an actual resident of the County of De Witt aforesaid, and is and has been a resident of the State of Illinois for more than three (3) successive years last past.

That on the ninth (9th) day of January, 1910 she was lawfully married to one Oak McCracken, with whom she resided, as his wife, until the thirteenth (13th) day of February, 1911, when she was compelled to leave and ceased living with him in consequence of the ill treatment hereinafter mentioned.

That during the time she so lived with the said Oak McCracken she cohabited with him as his wife, and during all that time faithfully performed all her duties and obligations as a wife, bearing with her husband's faults and errors and striving to make their home comfortable and happy.

Your oratrix further represents that the said Oak McCracken, not regarding his marriage relations and duties, has, since the said inter-marriage, been guilty of extreme and repeated cruelty towards your oratrix. That he is a man of great austerity of temper, and very frequently during the period aforesaid, during which your oratrix lived and cohabited with him, as his wife, indulged in violent sallies of passion and used towards your oratrix, very obscene and abusive language without any provocation whatever, and on numerous occasions during the time mentioned aforesaid, he used personal violence towards your oratrix, and particularly your oratrix charges that on or about the first day of February, 1910, the said Oak McCracken, without any provocation whatever, struck your oratrix with his fist, and on numerous and diverse

other occasions, between the first day of February, 1910 and the thirteenth (13th) day of February, 1911, the said Oak McCracken, without any provocation whatever, struck your oratrix violent blows on her body and limbs and on her face and head, with his fists and with sticks of wood, and again on the thirteenth (13th) day of February, 1911, the said Oak McCracken ordered and commanded your oratrix to go out of the house and down a near-by hill and get him a cup of water, and at that time, your oratrix was sick and ailing, and the said Oak McCracken was in good health and sound of limb; that your oratrix refused to get the said cup of water, whereupon the said Oak McCracken became enraged and beat and struck your oratrix with a stick of stove wood, and struck your oratrix in the face with his fist and bruised and blackened your oratrix's face, body and arms, that thereupon your oratrix left the said Oak McCracken and her said home, all of which occurred near Limestone, in Washington County, Tennessee.

And that your oratrix, thereupon, in the spring of 1911, moved to the State of Illinois, where she has since resided.

For-as-much, therefore, as your oratrix is without remedy in the premises, except in a Court of Equity, and to the end that the said Oak McCracken, who is made party defendant to this bill, may be required to make full and direct answer to the same, and that the said marriage between your oratrix and the said defendant may be dissolved and declared null and void by the decree of this Court, according to the statute in such case made and provided, and that your oratrix may have such other and further relief in the premises as equity may require and to your Honor shall seem meet.

May it please your Honor to grant that a writ of summons in Chancery directed to the sheriff of the said County of De Witt, commanding him to summon the said Oak McCracken to appear before the

said court on the first day of the next September term, ^{thereof} to be held at
the Court House in the City of Clinton, in the County of De Witt afore-
said, then and there to answer this bill, etc.

Bessie Greenwell McCracken
.....

By

Harick & Harick
.....
Her Solicitors.

STATE OF ILLINOIS }
COUNTY OF DE WITT } SS.

in the circuit court
IN THE CIRCUIT COURT
TO THE SEPTEMBER TERM A.D.1915

Bessie Greenwell McCracken,)
Vs.)
Oak McCracken)

Bill For Divorce
Chancery No.....

Bessie Greenwell McCracken being first duly sworn according to law on her oath states that she is the complainant in the above entitled cause.

That the defendant, Oak McCracken, is a non-resident of the State of Illinois, and that his place of residence is either at Telford, Tennessee, Limestone, Tennessee or Jonesborough, Tennessee. That he resides in Washington County, Tennessee, and his place of residence is at one of the above mentioned towns.

Affiant further says that ~~the~~^{this} affidavit is made pursuant to the requirements of Section 12, Chapter 22 of Hurd's Revised Statutes of ~~the~~ Illinois edition of 1913, to authorize the publication of the notice of said suit and the mailing of the notice thereof to said defendant as required by said Statute.

Affiant further saith not.

Bessie Greenwell McCracken
.....

Subscribed and sworn to before me this^{7th} day of August, A. D. 1915.

Lee S. Berriak
.....

Notary Public.

CHANCERY SUMMONS—Clinton Public Printing Co.

STATE OF ILLINOIS,
DEWITT COUNTY.

} ss

The People of the State of Illinois,

to the Sheriff of said _____ County, Greeting:

WE COMMAND YOU, That you summon

Oak McCracken

if he shall be found in your county, personally to be and appear before the Circuit Court of said DeWitt County, on the first day of the next term thereof, to be holden at the Court House in Clinton, in said DeWitt County, on the **Second** Monday in **September** A. D. 191**5**, to answer unto

Bessie Greenwell McCracken

in **Her** certain bill of complaint **Divorce** filed in said Court, on the Chancery side thereof; and have you then and there this Writ, with an endorsement thereon, showing in what manner you have executed the same.

Witness, ELMER METZ, Clerk of our Circuit Court, and the Judicial Seal thereof, at his office in Clinton, in said DeWitt County, this **14th** day of **August** A. D. 191**5**.

ELMER METZ

Clerk

By

H. Struble

Deputy

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X

NO. 3905 CHANCERY
DeWitt County Circuit Court

Bessie Greenwell McCracken
VS.
Oak McCracken

Oak McCracken

To September Term, 1915
STATE OF ILLINOIS }
DEWITT COUNTY } ss

I have duly served the within by reading and
delivering a copy of the same to

*He within named
Oak McCracken
not found in County.*

this 3 day of Sept A. D. 1915

PEES—Service \$
Mileage \$
Return \$

Total \$.10
Herrick & Herrick Solicitor

FILED
DEWITT COUNTY ILLS.
SEP -4 1915

James M. Herrick
CLERK OF THE CIRCUIT COURT

STATE OF ILLINOIS, }
County. } ss

I have served the within named

by leaving a true copy of the same at h usual place of abode with
a person of the family of the said defendant, over the age of ten years and a resident of the
and making known to h the contents thereof, this day of

A. D. 191

By _____ Sheriff
Deputy

NO. 3905

DeWitt County Circuit Court

..... September TERM, 1915

McCracken

vs.

McCracken

Certificate of Mailing Chancery Notice

Filed this 18th day of Aug 1915

Elmer Metz
Clerk Circuit Court.

By O. H. Sturice Deputy.

State of Illinois,
DeWitt County } ss.

Copy of Notice herein referred to.

Bessie Greenwell McCracken
vs.
Oak McCracken
IN CHANCERY

PUBLICATION NOTICE.

State of Illinois, County of DeWitt,
SS.—In Circuit Court, September
Term, A. D. 1915.

Bessie Greenwell McCracken

vs.

Oak McCracken.

In Chancery.—Bill for Divorce.

The requisite affidavit for publi-
cation having been filed in the of-
fice of the Clerk of the Circuit Court
of said County, and the above named
complainant having heretofore filed
her Bill of Complaint in this court,
on the Chancery side thereof, and a
Summons having thereupon issued
said court against the above
named defendant, returnable on the
second Monday of September, A. D.
1915, of the Circuit Court of DeWitt
County.

Now, therefore, notice is hereby
given to the above named defendant,
that the above entitled suit is now
pending in the DeWitt Circuit Court,
and that unless you shall be and ap-
pear before said court on the first
day of the next term thereof, to be
holden at the court house in the
City of Clinton, in the County of
DeWitt, Illinois, on the second Mon-
day of September, A. D. 1915, and
plead, answer or demur to the said
bill the same will taken as confessed
against you, and a decree rendered
according to the prayer thereof.

Dated at Clinton, Illinois, this
12th day of August, A. D. 1915.

ELMER METZ, Circuit Clerk.

Herrick & Herrick, Complainant's
Solicitors.

I, ELMER METZ Clerk of the Circuit
Court of said County, in the State aforesaid, do hereby certify that on the
18th day of August A. D. 1915, being
within ten days after the first publication of the notice hereunto appended,
I sent by mail a copy of said notice to

Oak McCracken, Limestone, Tennessee
Oak McCracken, Jonesboro, Tennessee

In pursuance of Section 9 of an act of the Gen-
eral Assembly, "An act to Regulate the Practice in Courts

Witness, my hand and seal of said Court

August

By ELMER METZ

Certificate of Mailing Notice to Non-Resident Defendant in Chancery.

State of Illinois,
DeWitt County } ss.

Bessie Greenwell McCracken
vs.
Oak McCracken } IN CHANCERY

I, ELMER METZ Clerk of the Circuit Court of said County, in the State aforesaid, do hereby certify that on the 18th day of August A. D. 1915, being within ten days after the first publication of the notice hereunto appended,

I sent by mail a copy of said notice to.....

Oak McCracken, Limestone, Tennessee

Oak McCracken, Jonesboro, Tennessee

In pursuance of Section 9 of an act of the General Assembly of the State of Illinois entitled, "An act to Regulate the Practice in Courts of Record," approved June 11, 1897.

Witness, my hand and seal of said Court, this 18th day of August A. D., 1915

ELMER METZ CLERK.
By H. Struble DEPUTY.

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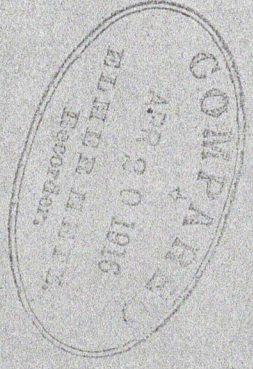
No. 3905.

BESSE GREENWELL MCCRACKEN

VS.

OAK MCCRACKEN.

DECREE FOR DIVORCE.



FILED
 DEWITT COUNTY ILL.
 MAR - 2 1916
Bessie Greenwell
 CLERK OF THE CIRCUIT COURT

Recorded: by 29 Page 131.

HERRICK & HERRICK,

Attorneys-at-Law

FARMER CITY, ILLINOIS

At a Term of the Circuit Court held in and for the County of De Witt in the State of Illinois, at the Court House in the City of Clinton, at the January Term thereof, to-wit, on the 2nd day of March A. D. 1916.

STATE OF ILLINOIS)
) SS.
COUNTY OF DE WITT)

IN CIRCUIT COURT,
JANUARY TERM A.D.1916.

BESSE GREENWELL McCRACKEN)

VS.)

OAK McCRACKEN.)

CHANCERY No. 3905.

BILL FOR DIVORCE.

And now on this day comes the complainant by Herrick & Herrick, her solicitors, and it appearing to the Court here from the writ issued herein to the Sheriff of the County of De Witt and State of Illinois, and his return thereon, that the defendant cannot be found in the said County of De Witt and State of Illinois.

And it further appearing to the Court here from the affidavit of the complainant on file herein, that the said defendant, Oak McCracken, is not a resident of the State of Illinois, but that his post-office address is Limestone, Tennessee, and that his place of residence is Jonesboro, Tennessee.

And the Court further finds that due notice of the pendency of this proceeding has been given by publication for at least four weeks successively in accordance with the statute in such cases made and provided, by notice in the Farmer City Journal, a weekly secular public newspaper of general circulation, published and printed in Farmer City, De Witt County, Illinois, the first insertion having been made therein on the 13th day of August A.D.1915, at least thirty days prior to the first day of the September Term A.D.1915, of this Court, and by mailing a notice thereof by the Clerk of this Court to the said defendant as follows: One of said notices being mailed to Lime-

stone, Tennessee, and one of said notices being mailed to the defendant at Jonesboro, Tennessee. That each of said notices were mailed by said Clerk on the 18th day of August A.D. 1915, within ten days of the first publication of said notice, and that each of said notices was enclosed in an envelope which was addressed to the said defendant as above set forth, and deposited in the post-office at Clinton, Illinois, with postage prepaid, and sent in due and regular course of United States mail.

And the Court further finds that said notice as so printed and published did contain notice of the pendency of this suit, the names of the parties thereto, the title of the Court and the time and place of the return of summons in the case.

And that said Farmer City Journal had been regularly printed and published in said County of De Witt for a period of more than six successive and consecutive months prior to the 13th day of August A.D. 1915.

And it further appearing to the Court that this cause was continued from the September Term to the present January Term of this Court.

And the said defendant, Oak McCracken, having been severally three times called in open Court to plead, answer or demur to the complainant's bill, came not but therein made default.

It is therefore ordered, adjudged and decreed that the complainant's bill be taken for confessed against the said Oak McCracken, the defendant herein.

And now this cause having come on to be heard in open Court upon the complainant's bill, and the same being taken as confessed by the said defendant, and the Court having heard the testimony of witnesses in open Court, produced, sworn and examined, and the exhibits, files and proofs, and the cause having been argued by counsel and the Court being fully advised in the premises, on consideration thereof, doth find as follows:

1.

That the allegations contained in the complainant's bill are true as therein stated, and that the Court has jurisdiction of the parties and the subject matter of this cause, and that the equities of this cause are with the complainant.

-2-

That at the time of the filing the bill herein, the complainant was and is now an actual resident of the County of DeWitt and that at the time of the filing the bill herein the complainant had resided in the State of Illinois and been a resident thereof for more than one full year, and has continued to reside from the time of the filing of the bill herein in the State of Illinois, as an actual and bonafide resident thereof, and that the complainant and the defendant have never lived together since the 13th day of February, A. D. 1911.

3.

That on the 9th day of January A. D. 1910, the complainant and the defendant were lawfully married in Washington County, Tennessee, and did thereafter continue to reside together as husband and wife until the 13th day of February A. D. 1911, when the complainant withdrew from the defendant and ceased living with him.

That during the time that the complainant and the defendant so lived together as husband and wife, the complainant faithfully performed all her duties and obligations as a wife, but that the defendant in violation of his marriage obligations and duties was guilty of extreme and repeated cruelty towards the complainant. That he was frequently guilty of using towards the complainant very obscene and abusive language without any provocation therefor, and on numerous occasions used personal violence towards the complainant.

That about the 1st day of February, 1910, the defendant without any provocation struck the complainant with his fist and from

that date until the 13th day of February, 1911, he on different dates struck the complainant many violent blows on her body and assaulted her with a stick of wood.

That on the 13th day of February, 1911, the defendant while the complainant was sick and ailing, assaulted the complainant and struck her ~~in~~ with a stick of stove wood, and greatly injured and wounded her.

4.

It is therefore ordered, adjudged and decreed by the Court that the marriage between the complainant and the defendant be dissolved, and the same is hereby dissolved accordingly, and the parties are and each of them is freed from the obligations thereof.

5.

It is further ordered, adjudged and decreed that the complainant be allowed to resume her maiden name of Besse Greenwell, the same as if said marriage had not taken place.

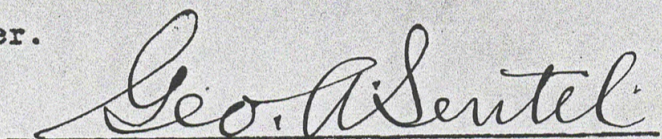
6.

It is further ordered, adjudged and decreed by the Court that neither of the parties herein shall re-marry within one year from the date of the signing of the decree in this cause, provided, however, that nothing herein contained shall prevent or prohibit the parties from re-marrying each other.

7.

It is further ordered that the defendant pay the costs and charges of this suit.

Enter.



Circuit Judge.