

3530

IN THE DISTRICT COURT OF WOODS COUNTY, STATE OF OKLAHOMA.

RACHEL MILLER,

Plaintiff,

-vs-

NELSON L. MILLER,

Defendant.)

PETITION.

Comes now the above named plaintiff and for cause of action against the above named defendant alleges and states:

That the said plaintiff is and has for several years last past been an actual bona fide resident of Woods County, State of Oklahoma.

That on or about the 5th day of September 1888 the said plaintiff and defendant were legally married and are now and have ever since said time been husband and wife.

That of the said marriage four children, who are still living, were born as follows to-wit: Eva and Minta both girls and both of whom are of age. And Lavern who is about 19 years old, and George who is about 13 years old.

That on or about the 12th day of September 1911 the said defendant was convicted of a felony by the District Court of Woods ^{ward} County Oklahoma and was thereupon sentenced therefor and imprisoned in the State Penitentiary at Mc Alester Oklahoma. That the judgment of conviction and sentence of the said defendant have not been reversed; that the said defendant was imprisoned in the said penitentiary and is still so imprisoned; that the said crime occurred subsequent to the marriage of the said plaintiff and defendant. And that all of the same were done without the connivance or consent of the said plaintiff.

That at the time of the said conviction and imprisonment the said plaintiff had no real or personal property of

any kind or description, except the household good and effects of the family. But that subsequently thereto this said plaintiff has, by her own means, industry and labor acquired an interest in and to Lot Four (4) in Block One (1) in Mabel Mc Grath's subdivision to the City of Alva, Woods County, Oklahoma, all of which was done without the effort and in the absence of the said defendant.

WHEREFORE the said plaintiff prays for a decree of absolute divorce from the said defendant; that she be awarded the care and custody of the said minor children. That she be decreed to be the absolute owner in fee simple of the above described real property, and all other property of every character, kind and description belonging to either party hereto, and that the title, if any thereto in said defendant be divested out of the said defendant and confirmed and vested in the said plaintiff; for such other and further relief as plaintiff may show herself entitled to and as may be equitable.

A. J. Miller
Attorney for Plaintiff

State of Oklahoma County of Woods, ss.

I, Rachel Miller, first being duly sworn on oath depose and say: that I am the plaintiff above named; that I have read the above and foregoing petition and know the contents thereof; and that the statements and allegations contained therein are true.

Rachel Miller

Subscribed and sworn to before me by the said Rachel Miller on this 24 day of July 1916.

Wilton N. Strawn
Notary Public.

My commission expires *July 11-1917*

7-24-16

HI
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No. 35-30

Rachel Miller

VS.

Plaintiff

Nelson L. Miller

Defendant

Petition

Filed this

day of

24 July, 1916

Arthur G. Sutton
Clerk

ARTHUR G. SUTTON
Alva, Oklahoma

Attorney for

Pet.

208 OFFICE SUPPLY, San Diego, Ill.

RACHEL MILLER

Plaintiff,

JOURNAL ENTRY.

NELSON L. MILLER,

Defendant.

Now, on this 4th day of November, 1916 the above entitled matter came on for hearing and trial in its regular order pursuant to an assignment to the said cause of action theretofore duly and regularly made. The said plaintiff was present in person and by her attorney, A. G. Sutton, but the said defendant appeared not. Thereupon the court duly examined the appearance filed in the said cause of action and found that the said defendant had filed a written appearance herein which said appearance was duly signed and acknowledged; and that the said defendant was in default for want of further plea or an appearance in the said cause for trial. And the said cause of action coming on for further hearing and trial and the said plaintiff introduced her evidence from which the court found

That the said plaintiff and defendant were legally married on the 5th day of September, 1888 and have been husband and wife ever since. That of the said marriage four children were born who are still living and whose names and ages are as follows:

Eva, and Minta, both girls and both of age; and Lavern who is about nineteen years old (19); and George who is about thirteen years old (13); the two latter of whom reside with the said plaintiff and of whom the said plaintiff has the care, custody and control.

That at the time of the conviction of the said defendant and imprisonment in the penitentiary, the plaintiff had a small equity in a piece of residence property in Alva, Oklahoma, on which there was a mortgage and which said mortgage was foreclosed and which said property was sold under said foreclosure proceedings and that the said property did not sell for enough to pay the amount of indebtedness against the same. That the said plaintiff and defendant at the time of the said conviction and imprisonment owned no other property whatever. But that subsequently thereto and by hard work, industry and thrift on the part of the said plaintiff, she has acquired an interest and equity in and to Lot four (4), Block one (1), in Mabel McGrath's sub-division to the City of Alva, Woods County, Oklahoma all of which was done without any effort and in the absence of the said defendant.

That on the 12th day of September, 1912, the said defendant was convicted of a felony by the District Court of Woodward, County, Oklahoma and was thereupon sentenced therefor and imprisoned in the State Penitentiary at McAlester, Oklahoma, and that the said defendant is still confined in said penitentiary; and that the said judgment of conviction and sentence of the said defendant has not been reversed. That the same was done without the connivance or consent of the said plaintiff; and that the said plaintiff should have a divorce from the said defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the said plaintiff and the said defendant be severed and dissolved ^{and the parties hereto released} from the obligation of the said bonds of matrimony and that the said plaintiff and the said defendant be absolutely divorced and released, and that the said divorce shall become final and absolute at the expiration of six months from this date. That the said defendant be and he is hereby forever divested from having

or claiming any right, title or interest of any kind or character present, prospective or contingent in and to the said property above described. That the care (custody and control of the said children, Laverne and George, be and the same is hereby awarded and confided to the said plaintiff exclusively. And that the said plaintiff have and recover her costs herein for which let execution issue

W. L. Cron
Judge

11-28-16

Rachel Miller
vs
Nelson L. Miller

Journal Entry

FILED
NOV 28 1916
W. E. ...
COURT CLERK
WOODS COUNTY, W. VA.
E. E.

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RACHEL MILLER,

Plaintiff,

-vs-

NELSON L. MILLER,

Defendant.)

APPEARANCE.

Comes now the above named defendant and hereby enters his voluntary appearance in the above entitled cause of action to be filed in the above named court, but reserves until the 1st day of August ^{1916 in which} to plead further in said cause of action.

Dated this ²² day of July 1916.

N. L. Miller.

State of Oklahoma,
ss.
County of Pittsburg,

BEFORE ME, the undersigned a Notary Public in and for said County and State on this 22 day of July 1916 personally appeared Nelson L. Miller, to me known to be the identical person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

G. P. Pundell

Notary Public.

My commission expires

Under 25/14/19.



35-30

Miller

v

Miller

appearance of
N. L. Miller

Filed July 27, 1916

P. S. S. S.
Court Clerk

E.