

No. 13856

# Supreme Court of Illinois

Zimmer

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vs.

Zimmer

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Please to a term of the Circuit Court  
begun and held at the Court house in  
the city of Peoria within and for the County  
of Tazewell and State of Illinois on the  
second Monday in the Month of October  
in the year of our Lord one Thousand  
Eight hundred and fifty seven it being  
the 12th day of said Month of October  
Before the Honorable James Harriote  
Judge of the 21<sup>st</sup> Judicial Circuit of  
the State of Illinois composed of the Counties  
of Tazewell Woodford Menard &c.

Be it remembered that on the 24th day of  
August in the year of our Lord one thousand eight  
hundred & fifty seven Amelia Grimme filed  
her Pet for Divorce in the words and figures  
following to wit:

" To the Hon James Harriote  
" Judge of the 21<sup>st</sup> Judicial Circuit of the State of  
" Illinois in Chancery sitting.

" Yours obedient Amelia  
" Grimme formerly Amelia Fontaine humbly  
" complaining sheweth unto your Honor That on  
" the 8th day of January 1845 at the County of  
" Tazewell and State of Illinois she was lawfully  
" married unto one Henry Grimme who is  
" now her lawful Husband and your obedient  
" further sheweth that from the date of their said

"Marriage they have lived as man and wife in  
 "the county of Tazewell and State of West Virginia  
 "And she further shews that from the date of  
 "their marriage, as husband and wife they  
 "lived happily together until about five years last  
 "past, and accumulated a small property in  
 "the Town of Petkin, W. Va.; Lot 16 and the West half  
 "of lot 15 in block twenty two in the City of Petkin  
 "and the house & improvements thereon, now worth  
 "about \$3000 Dollars, and your orator further shews  
 "that five years ago her said husband, the said  
 "Henry Zimmerman, whom she prays may be made  
 "defendant herein, commenced indulging in  
 "drinking intoxicating liquors, and for the last three  
 "years he has followed no business whatever  
 "but has been guilty of constant habitual drunkenness  
 "for the said last three years, and your orator  
 "shews that during the said three years, he has  
 "been guilty of extremes & repeated cruelty towards  
 "her, having repeatedly struck her & otherwise  
 "violently and cruelly treated her, and she avers  
 "that he has twice driven her from their home  
 "by violence, and called her all <sup>manner of</sup> names, and  
 "accused her falsely of all manner of impropriety  
 "and disreputable acts, and yet she avers that  
 "during all the time of her marriage  
 "she has ever demeaned herself as a good  
 "and obedient and dutiful wife, and she avers  
 "that he has also been guilty of adultery

" with one — — & with other persons to your notice  
 " unknown she also shews that they have had  
 " born to them in lawful wedlock, one child a  
 " son now about 11 years of age, and she avers  
 " that she has no means out of which to pay  
 " counsel fees for prosecuting this suit, except to  
 " as she earns by the labor of her hands. Your  
 " orator further shews that from his habits of  
 " intemperance, he is not qualified to have charge  
 " of or the management of his said son the said  
 " Child aforesaid and as your orator is  
 " remedyless except in a Court of Equity, to the  
 " end thereof, your orator prays, that the said  
 " Henry Gimmen, may be made defendant therein  
 " and that he may be duly summoned to attend  
 " at the next term of this Court and then and  
 " there be required to make true and perfect  
 " answer to all and singular the Charges and allegations  
 " in this Bill contained, and that he may be requi-  
 " red to advance counsel fees for the prosecution  
 " of this Cause, and that on a hearing hereof your  
 " Honor will grant to your orator a Writ of  
 " freedom from the said Henry Gimmen, and  
 " award to your orator such reasonable alimony  
 " as to your Honor may seem just & proper, and  
 " that your orator may have power to bind  
 " her said son out to some useful trade or employment  
 " until he is of full age, and for such other and further

" order, judgment & decree in the premises as to your  
 " honor may seem meet & proper & as in duty  
 " bound your orating will ever pray &c.

" B. S. Prettyman } Amelia Zimmerman  
 " Help Compt } for Prettyman Solicitors

And now afterwards, to-wit; on the 26th day of August  
 A.D. 1838. a Writ issued to the Sheriff of  
 Wazewell County in the words & figures following to-wit;

" State of Illinois } The People of the State of Illinois  
 " Wazewell County } to the Sheriff of said County greeting  
 " We command you to summon Henry  
 " Zimmerman if found in your County, personally  
 " to appear before the Circuit Court of said County  
 " on the first day of the next term thereof to be holden  
 " at the Court House in the City of Pekin on the second  
 " Monday in the month of October next, then there  
 " to answer to a certain Bill of Complaint filed in  
 " our Circuit Court on the Chancery side thereof,  
 " against him the said Henry Zimmerman, by Amelia  
 " Zimmerman, and to do and receive whatever  
 " our said Circuit Court may order & decree  
 " in the premises. And have you then & there this  
 " writ and make return thereon in what  
 " manner you see to the same

" Witness My hand & seal of the said  
 " Circuit Court and the Seal thereof here to



And now afterwards to wit on the day and  
year last aforesaid the said Complainant  
filed her Replications in the words and  
figures following to wit.

" In the Circuit Court of Tazewell County  
" to the October term A.D. 1837  
" Amelia Grimmer  
" "  
" Henry Grimmer Esq. Attorney  
" " Amelia Grimmer by  
" Prettyman her Solicitor comes and says  
" that the matters and things in her said  
" Bill of Complaint are true certain and  
" sufficient, and that the matters and  
" things in the said Defendant's answer  
" in manner and form as the same is therein  
" set forth are not true single certain  
" or sufficient in Law and this said Complainant  
" is ever ready to maintain and prove  
" Whenever & Wherever this Honorable Court  
" shall direct - Wherefore she prays &c  
" (Prettyman Solicitor for  
" Complainant) "

And now here to wit on the 7th day of  
October A.D. 1837 the Summons aforesaid  
was returned Endorsed as follows  
to wit:

"Served by Reading to the within named  
 "Henry Grimm, and by delivering to him a  
 "true copy of the within. August 27th 1837  
 " C. Williamson  
 " Sheriff H.C."

And now afterwards to wit, at a term of the Circuit Court begun and held at the Court House in the City of Peoria within and for the County of Tazewell and State of Illinois, on the second Monday of the Month of October in the year of our Lord One thousand Eight Hundred and Fifty Seven. Present the Hon James H. Harris Judge of the 21<sup>st</sup> Judicial Circuit of the State of Illinois, Hugh Fullerton Prosecuting Attorney, Chapman Williamson Sheriff and Menno Young Clerk, and on the 18<sup>th</sup> day of <sup>said</sup> October, it being the 4<sup>th</sup> day of said term, the following proceedings were had in said cause to wit:

" Amelia Grimm  
 " " " J. Chancery (for choice)  
 " Henry Grimm  
 " And now on this day came  
 " the Complainant by her Solicitor Petty-  
 " man, and on his motion, the Defendant

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having been regularly served with process  
is obliged to answer the Complainant's Bill  
herein by tomorrow morning.

And now on motion of Edwards  
Jones Esqr. Solicitor for Defendant, the time  
to answer is extended to Monday Morning  
next.

And now afterwards to wit: on the 21<sup>st</sup>  
day of said month of October. being the 9<sup>th</sup> day  
of said Term the following proceedings were  
had in said cause: to wit:

Amelia Gimmere

" " In Chancery  
Henry Gimmere For Plaintiff

And now on this day  
came the Parties by their Solicitors, and  
having joined issue upon the charges  
contained in the Bill herein. A jury came  
to wit: John Wilson, Robert Puckly, William  
Sturdivant, J. Rose, James Shreeve, W. H. Edwards,  
Daniel Child, Solomon Dickinson, P. Nichols,  
J. B. Rees, Apollon Case, Newton Kilby, twelve  
good and lawful men duly elected tried &  
sworn. who having heard the allegations  
and proofs of the parties and argument of  
counsel thereon. for Verdict say. That the jury  
finds for the Defendant Complainant  
Whereupon came the Defendant, and entered

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constitute a lien on the West 1/2 of lot 15 and  
lot 16 in Block 142 in Pekin in Tazewell  
County Illinois, in said Bill of Complaints  
passed until the same shall be paid and  
that he pay the <sup>in compliance with the sum of \$75 per month</sup> counsel in this behalf and  
the costs of this Proceeding.

And now afterwards to-wit: on the day and  
year last aforesaid the following proceedings were  
had in said cause to-wit:

Amelia Grimm  
vs  
Mary Grimm In Chancery  
For Divorce

And now came the Defendant  
by his Solicitor and prayed an appeal. It is therefore  
ordered by the Court that the Defendant have  
leave to file Bonds and Bill of Exceptions in 40  
days. Bonds to be in the sum of \$300 - to be  
approved by Clerk. It is further ordered that  
the motion that the Mother have custody  
of Child be continued, and it is further order  
adjudged and decreed that the Defendant  
pay \$200 Dollars Solicitors fee in this Court and  
\$50 Dollars additional Solicitors fee if this cause  
be appealed, and that said fee be paid  
30 days before the sitting of the Supreme  
Court, to the Complainants counsel herein

And now afterwards wrote on the second day of December A.D. 1838 the Defendant filed his Bill of Exceptions in the words and figures write:

"State of Illinois } In the Circuit Court in Chancery  
 "Jazwell County } Do of October Term A.D. 1837  
 "Melicia Grimm } For Divorce  
 " }  
 "Henry Grimm } This cause coming on to  
 " } be heard upon Bill Answer & repli-  
 " cation and verbal testimony, before a jury  
 " the jury found the following Verdict: "We the  
 " jury find for the Plaintiff  
 " Appear Leon Foreman  
 " the same being the only finding in said  
 " cause whereupon the moved to set aside  
 " said Verdict, which motion was by the Court  
 " overruled, and decreed a divorce, to  
 " which decree the defendant then & there excep-  
 " ted  
 " And that afterwards the Court heard evidence  
 " as to the value of the property of said defendant  
 " without the intervention of jury to assess  
 " the same, and entered decree for alimony  
 " to which order the defendant also at  
 " the time excepted, and now tender his Bill of  
 " Exceptions as aforesaid, which are hereby  
 " allowed & given force & effect

" his motions, to set aside the verdict, and  
 " the Court having heard arguments of counsel  
 " thereon and being fully advised in the  
 " premises is of opinion that said Motion  
 " be overruled."

And now afterwards, to wit on  
 the 24th day of said month of October A.D. 1887  
 it being the 12th day of said term of said  
 Court the following decree was entered  
 in said cause in the words and figures  
 following, to wit:

" Amelia Grimm  $\left\{ \begin{array}{l} \text{of the October Term of} \\ \text{the Tazewell Circuit} \end{array} \right.$   
 " " "  $\left\{ \begin{array}{l} \text{the Tazewell Circuit} \\ \text{Court A.D. 1887 From} \\ \text{Hissed} \end{array} \right.$   
 " Henry Grimm  $\left\{ \begin{array}{l} \text{of the October Term of} \\ \text{the Tazewell Circuit} \end{array} \right.$   
 " " "  $\left\{ \begin{array}{l} \text{the Tazewell Circuit} \\ \text{Court A.D. 1887 From} \\ \text{Hissed} \end{array} \right.$

" And this day again came the said  
 " Complainant by Prettymann her Solicitor  
 " and this cause coming on to be heard  
 " a jury being duly called and sworn to try  
 " the matters of fact at issue in this cause  
 " and the said Complainant having called &  
 " Reuben Berge Hesson, John G. Glasgow and  
 " other witnesses, who testified in said cause  
 " before said jury, and whose testimony tended  
 " to show that said Defendant had been  
 " guilty, as charged in said Bill of  
 " habitual drunkenness, for more than two

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" year, before the date of the filing of said bill  
" and Defendant also having produced many  
" witnesses before the said jury, and the  
" cause having been submitted to the said jury  
" they having returned their verdict into open  
" Court, and having by their said verdict found  
" the issue in this behalf for the said Complai-  
" nant. It is therefore considered by the Court,  
" and the Court being fully advised herein, It is  
" therefore ordered, adjudged and decreed  
" that the Bonds of Matrimony, between said  
" Complainant & said Defendant, dissolved and  
" for naught esteemed, that the said Complai-  
" nant shall be and she is hereby forever  
" divorced from the said Henry Zimmerman  
" the said Defendant, forever, and it is further  
" ordered by the Court that the said  
" Henry Zimmerman, pay to the said Complainant,  
" in Alimony the sum of Twenty five Dollars  
" per annum, to be paid quarterly \$12.50 per  
" quarter, and that in event of his neglecting  
" or refusing to pay the - as aforesaid together  
" with counsel fee of \$20. Dollars, and the  
" costs in this cause, that execution be issued  
" in this behalf against the said Zimmerman  
" and that so much of his property be sold  
" from time to time as may be necessary  
" to satisfy the same, and this Decree shall

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" Jan 5 December 1837, the Court having  
" given 40 days from the adjournment  
" to prepare this Bill

" James Hamilton Esq  
" Judge of the Circuit Court of Izard County  
" Illinois

And now afterwards come on the day  
and year last aforesaid the Defendant files his  
appeal Bond in the words and figures following  
to wit:

" Know all men by these presents that  
" We Henry Grimmer and Nicholas Yance are  
" held awfully bound unto Amelia Grimmer  
" in the penal sum of Three Hundred Dollars  
" good & lawful money of the United States for  
" the payment of which well and truly to be made  
" We bind our heirs Executors & assigns jointly  
" severally & firmly by these presents. Witness  
" our hands & seals on this second day of Decem-  
" ber in the year of our Lord Eight hundred &  
" twenty five Anew. Now the condition of this  
" obligation is such, that whereas in a suit  
" brought for divorce by the said Amelia Grimmer  
" against the said Henry Grimmer above bound  
" do. from the bands of matrimony existing  
" between them and also for alimony & also  
" cause being docketed to the October term

of the Circuit Court of Sevier County, Missouri  
 and whereas the defendant defended said  
 issue, and whereas at said term writs  
 on the 24th day of said October do cress  
 were entered against said defendant for  
 Nuisance and Calumny, from which ordering  
 the defendant prayed an appeal to the Supreme  
 Court which was then and there allowed  
 on condition that he should file his appeal  
 Bond with security to be approved by the clerk  
 of this Court in forty days in the penalty of Three  
 hundred dollars. now if said appeal shall  
 be prosecuted duly, or in case of the affirmance  
 thereof shall in all things comply with said  
 finding or decree and pay all costs, interest  
 & damages, then this bond to be null and  
 void or else be & remain in full force and  
 virtue in law Henry Grimmer Seal  
 Entered into & approved Nicholas Yarn Seal  
 by me on this 10th

day of November A.D. 1837

Verile Young Clerk of the Circuit  
 Court of Sevier County Missouri

And now afterwards, to-wit on  
 the 13th day of February A.D. 1838 an order  
 Price of Exception was filed in said cause  
 in words & figures, following to-wit:



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" and have been for more than two years  
" before the filing of said Bill of Complaint  
" The Defendant then swears by  
" Mrs. that the Complainant  
" had beaten the defendant with extreme  
" cruelty on one occasion about 3 years  
" before the date of trial and that the  
" parties had had sundry Brawls and  
" quarrels since which was all the testimony  
" offered in the case - and therefore the  
" jury found a verdict for the Complainant  
" and the Court entered a decree granting  
" a divorce from the said Complainant  
" from all the bonds of matrimony with  
" the defendant. to the granting of which  
" the defendant then - then by his  
" counsel excepted & prays that  
" this Bill of Exception may be signed  
" & sealed which is done  
" "

James Haniffa Esq.

State of Illinois  
Stazwell County Ill

I Merrill Young Clerk  
of the Circuit Court within and for said  
County do hereby certify that the  
foregoing 16 pages contain a true  
perfect & complete copy of the  
Papers pleading and Transcripts of the  
Records of the Proceeding in the  
Cause therein named as the same  
appear of Record in my office

Witness Myself Merrill Young  
Clerk and the Seal of said  
Court hereunto affixed at Illinois  
this 17th day of March  
A.D. 1878

Merrill Young Clerk  
per Wm. H. Hart Master of C.

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Melina Grimm  
m 313  
Henry Grimm

Transcript of  
Records

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Filed April 30. 1858  
Leland  
OLP

send up to Prettyman  
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