

# Died, Disappeared, or - the Other "D" Word

BY PATRICIA B. SMITH

Genealogists often lament not finding the death date of an ancestor, however long ago. But when a person seems to disappear, there may be another possibility other than death, the other "D" word — DIVORCE.

One such elusive ancestor led a fuller life than suspected by many of his descendants. No secret to his second family in Iowa, he was a mystery to his Indiana descendants. There was no room for his grave beside the stone of his Indiana wife. Where was he? His Hoosier descendants tramped many other cemeteries, poured over library books, and perused church records. Still they could not find him. The other possibility — DIVORCE — solved the puzzle.

The Indiana State Legislature granted divorces until 1852. Malinda Newhart has compiled an alphabetical list of these divorces. Her two volume work is widely available in libraries in this area. The forward of her project does, however, mention missing records covering a period of several years.

Other resources for divorce records that libraries may have are newspaper indexes and court record indexes. If the whereabouts of a defendant was unknown, a notice of the pending divorce action was posted in two local newspapers.

Yes, Indiana county courts did grant divorces prior to 1852, as well. In 1852 and before, look both at the listing of divorces granted by the state legislature and at records in the courthouse of the county where the plaintiff, the person suing for divorce, resided. Search in the county clerk's office in indexes for civil suits, or search in fee and entry books, early minute books, and/or order books. A notation "Doe vs. Doe" is more often than not a divorce.

The *judgment*, the final entry in a divorce case, contains good information. It usually includes names and residences, if known, for both parties in the divorce; date of marriage; date of separation; names and ages of the children; and grounds for divorce.

A case may end in dismissal. The reason for dismissal is often given as "failure of the plaintiff to appear." It is not stated whether there has been a change of mind or a reconciliation. Also, no divorce would be granted if the judge knew the wife was expecting a child. The husband was legally the father of a child born to his wife during marriage regardless of the bloodlines of the child.

Petitions for divorce contain additional information. Most petitions are not "spread upon the books" — the order books being the "public record." One such plaintiff's petition from an 1850's order book told the husband's story as follows: After the wedding night, the wife refused to live with him. His farm did not please her, so he sold it and bought another. He eventually sold the second farm and bought a third, still hoping to coax her to live with him. Beware that reasons for divorce may be

"adjusted" to fit grounds for divorce set by state law.

Do check in the county clerk's office for more than one order book covering the same year. Each court — circuit, common pleas, superior, etc. — has its own set of civil order books. Even small Indiana counties before 1852 had more than one court.

While there were fewer divorces in earlier times than today, they were more numerous than we might expect. DIVORCE should be considered if an ancestor DISAPPEARS. Remember, we, as genealogists, have much greater odds of finding a 150 year old divorce case in the right courthouse than of finding an intact, readable stone in a forgotten, overgrown cemetery.

## Use Suggested Form in Submitting IGS Ancestor Surname Exchange File Cards

The Indiana Genealogical Society ancestor surname exchange file includes cards prepared by member genealogists who are interested in exchanging information about their families. The file is arranged alphabetically by family name and is published periodically.

Volume I of the *IGS Ancestor File*, edited by Joan Morgan, became available for purchase in August 1994. It can be purchased from IGS, P.O. Box 10507, Fort Wayne, IN 46852, by IGS members at \$8.00 and by non-members at \$10.00, plus \$2.00 postage and handling for each book.

Karen Zach, surname exchange file chairman, asks that members follow these directions in submitting ancestor surname exchange file cards for volume II:

Only IGS members may submit exchange file cards. Use only 3" by 5" cards. Use the standard format illustrated below.

Include ancestor surname, followed by given name, birth and death dates and places, and name of spouse.

Print or type ancestor surname in all caps. Print or type other information in lower case letters.

Include your name and address. Date each card with the current date.

Send family surname exchange cards to Karen Zach, RR 7, Box 43, Crawfordsville, IN 47933.

WILSON, JOHN

30 June 1995

b. 1797 Rowan Co., NC

d. 1839 Ashe Co., NC

Spouse: Sarah Jones

Submitted by My Name

0000 Myown St.

Mytown, XX 00000-0000