

Lydia Gross divorce papers at Mercer Museum, Doylestown, PA

transcribed by Forrest L. Moyer, Mennonite Heritage Center, Harleysville, PA, 2020

Lydia M. Howlett, by her next friend Joseph M. Gross vs. Henry J. Howlett

Suit filed 9 November 1896

Testimony taken 6 March 1897, Doylestown Borough

Divorce granted 11 March 1897

Questions posed to witnesses:

1. What is your name, age, residence, and profession or occupation?
2. Do you know the parties libellant and respondent? If so, how long have you known them or either of them, and where and when and which of them?
3. Were you present at their marriage? If so, when and where did such marriage take place, and by whom were they married and who were present thereat?
4. State whether libellant and respondent have lived and cohabited together as man and wife. If so, where and how long? State fully circumstantially and at large.
5. Do you know whether the respondent above named has or has not by cruel and barbarous treatment endangered the life of the said libellant, and has he or has he not offered such indignities to her person as to render her condition intolerable and her life burdensome?
6. Do you know of any other matter or thing of advantage to the libellant? If so, state the same fully and at large as if particularly interrogated thereto[?].

[signed] Robert M. Yardley, Attorney for Libellant, January 14, 1897

Testimony #1

The Libellant [Lydia Gross Howlett] appears at the above stated place and time with her attorney Robert M. Yardley Esq. The Respondent appears in person by permission of Court. Lydia M. Howlett, affirmed.

In answer to the first interrogatory, witness says: My name is Lydia M. Howlett, and my age is 25 yrs, and I reside in Buckingham Twp with William Swartley, and I help Mrs. Swartley with the housework.

In answer to the 2nd interrogatory, witness says: I am the Libellant in this case and I have known Respondent about 2 yrs this month. I met him at my brother-in-law's Mr. Swartley. He came there to work about 2 yrs ago.

In answer to the 3rd interrogatory, witness says: I was married to Respondent on July 6th, 1895 at Doylestown by Rev. Mr. Moore at his place. No one was present except myself and Respondent at the marriage.

In answer to the 4th interrogatory, witness says: We lived and cohabited together as man and wife after we were married. We staid at home with my father Samuel Gross, a minister, who was then living until

the following month[?]. That was in Buckingham Twp. My father...[two lines]. Then we moved to Line Lexington, Bucks County, and lived with my brother Christian Gross. We lived there until the 31st of March '96, and then moved. I had bought a home and lot just outside of Doylestown Boro in Buckingham Twp of Fred Weingartner, and we moved onto that place, and we continued to live there until I had my husband arrested on 16th July 1896.

In answer to the 5th interrogatory, witness says: Some 3 or 4 days before my father died in Aug 1895, while we were living in Buckingham, he [Howlett] came home on Sunday night, told me that Ed Hemmerly had been telling him some tales about me. He was cross all that night, did not sleep in the bed, and threatened to kill me. He did not tell me what the stories were except that Hemmerly had been talking bad about me. He struck me with his fists that night at different times.

Then a few weeks after my father died he said again that people were talking bad about me. I told him that I would see Mr. Hemmerly and find out for myself what he had said. Then my husband said that it was not true, that Mr. Hemmerly had not said anything bad about me, but had always praised me highly. That night he was in very violent temper, did not sleep all night but walked the floor. He told me he would make away with me. He would never live with me. He came up to the 2nd [floor] occasionally to see if I was asleep. He gave me a couple of blows that night. I didn't sleep at all that night. I cried nearly all night and was afraid to go to sleep.

When we were getting ready for my father's sale, before we moved to Line Lexington, then he complained that there was a great deal to do, and he got very cross and was very abusive. He called me all sorts of vile names, frequently called me "son of a bitch," "damn dirty bitch," these two names he usually used, and they were the ones he usually called me when mad. On this occasion he was very cross, and said it would not take him long to cut my throat. He said he did not want to move to Lexington, but he had made the bargain to go himself and I was satisfied to go with him. He also struck me on this occasion.

After we got to Line Lexington, he threatened to go to sea. I was about to be confined [for childbirth], and I did not want him to go until after I was confined. He would frequently go away. I did not know where he was. He would sometimes come home late at night. Upon one occasion he came home without my knowing it. I did not know he was home and I did not discover it till the next morning. Then he stamped on the floor and called me to the other room. I asked him where he had been and he said he had been under the bed in the spare room all night. He was very cross then. He called me all sorts of bad names. He said that I had been bad and been going with other men before I was married. He said I had been going with Reuben Beck. I had not been bad with him. He accused me of going with ministers, brothers and everybody. From that time on he was very frequently cross, very insulting in his language, and frequently struck and abused me. He said he would not own the child and he would kill it. I was in a family [way] at that time.

During that time while I was in a family way, he made me work very hard. He would not work, he would lie in bed and make me carry his meals, nearly always carried his breakfast to him and sometimes his dinner. In the afternoon he would get up and go away and sometimes would not come back till the next morning. At the time we were at Line Lexington, when I was in a family way, we were butchering. I had to do a great deal of work then. One morning I said I had very severe pains and I was unable to work. He said you have got to work, you [he] made me do a large washing that afternoon. I told him I was sick and wanted to do it the next day. He said he would turn the machine for me. He turned one machine full out

and then said he was sick. He said I would have to do it myself, and then he laid down on the floor. He said I will work off that kid. The child was born the next afternoon. It was born alive and lived one day. He was very cross that day the child was born. He would not go for the doctor. He wanted me to go to the doctor, but I was in no condition to go, and finally my brother went to the doctor for him. This was the 19th of Dec 1895.

After the birth of the child he was worse than he was before. He was continually and every day very cross and abusive. He would often chase me out of the house with a butcher knife, would threaten to kill me. I was very much afraid he would kill me, and I would have frequently to go away and keep out of his way until his temper cooled. After he would get over these spells, he would say he was sorry, but it would soon happen again, and in the course of an hour it would be repeated. During these times he would frequently and most every day assault me. Upon one...[page missing from photos taken by Forrest Moyer on 8/19/2020, present in original manuscript].

...afraid, because he told me I must get out of the house. I went out, and he locked the doors. I went to a neighbor's, I came back in about one hour, the doors were locked. He was in the house, but wouldn't let me in. I made a noise at the door and called to him. He knew I was there, but made no answer and would not let me in. I went away and came back again in about an hour, and then he let me in. He then dressed up and said he was going to leave and started across the fields.

Upon several occasions he threatened to kill me and chased me out of the house. On one occasion, when I was washing dishes, shortly before we moved, he grabbed up the dish pan and dashed the water in my face. He picked up the tea kettle and said he would scald me. I ran screaming to the door and he said, "Keep quiet, the neighbors will hear you. I won't do anything to you."

I had some money of my own, and I bought the "town quarter lot" in Buckingham Twp. He went to James and Randall and ordered the deed made in his name. They would not put it in his name, as I had bought it. When we came over to make the payment, he wanted the payment made in his name. I made it in my name. We were going out to Hemmerly's. He left me on the road. He said if he could not have the money he would leave me.

We moved to the Buckingham place March 31st. Cora Hemmerly was there the first week, and things went well. After she left he went back to his old tricks. He locked me down stairs every night, wouldn't let me come up. He put all the fires out down stairs, carried the wood out, locked the doors and took the keys up stairs with him. One door he couldn't lock, and that he tied with ropes. I couldn't get out of the house and had to stay there all night in my night clothing. The first night he did this, he let me come up about 4 o'clock in the morning, but after that he didn't let me come up stairs at all. After I had gone up stairs at night and prepared for bed, he would make me go down stairs in my night dress, and lock the doors. He made me do this, said I was not fit for God, man or Devil, that he wouldn't sleep with me. He threatened to kill me if I didn't go. He would take hold of me and push me to the head of the stairs. I had either to go down or be pushed down. He sometimes pushed me out of the door and then locked the door by tying it with ropes. This happened for 10 days or 2 weeks every night during that time I was locked down stairs. He said the first night that he did not intend to keep me down so long, he wanted to get the dirty Dutch out of me. He had overslept himself. I heard him up stairs until after midnight.

Then he went to work somewhere about the middle of April for Mr. Hemmerly. Then he was not home much during the day. He didn't come home at nights, and I went out to Hemmerly's and slept with my

husband. I was working out by the day then, and we both slept at Hemmerly's at night. When we would come home to do the work about our place, he would go into the house, lock me outside, and then he would tear up the house from top to bottom. He would pull out all the bureau drawers, strew the things about the floor, tear up the bed clothing, take my clothing from the nails and throw them about. I think this must have happened 25 times that I had to clean up the house. Several times he threw my clothes out of the house. He told me to pack them up and leave him.

Upon one occasion about May 30, on Sunday, we were at Hemmerly's. They had gone away and left us in charge of the place. I was sitting in the hammock. He came out and wanted me to go to our place. I said we had promised to stay there while the Hemmerly's were away. Then he went in the house, threw my clothes out the door and said I should get dressed up and go home. I didn't go right away. He came out and took hold of me. First he struck me on the arm, and then threw me down, choked me and kicked me 3 times on the leg. I had 3 distinct marks where he had kicked me. He said he would make me mind him. I then got ready to go, and he wouldn't leave me go. He said he didn't want me to show him up to the Hemmerly's.

2 or 3 weeks after this, he wanted me to get "Diamond Dyes" in Doylestown. I couldn't get them for the price he wanted. When he came home I met him and told him. He was very cross, he called me all kinds of bad names, accused me of most everything, and struck me in the face. My face was bruised and swelled. He was afraid Hemmerly's would see it and coaxed me to tell them that I had the toothache. I never told Mr. or Mrs. Hemmerly about his treatment of me until a few days before he was arrested. I tried to keep it quiet.

I was with child again about May 1st. I was afraid to stay alone at night, and I would go out to Hemmerly's, and we would both stay there. He used to say the child would be marked up from head to foot, he wouldn't have the child, he would work it off. He threatened to give me something in tea or coffee to kill the child, to produce an abortion, and if he couldn't do it that way he would kill it after it was born. About 6 weeks before his arrest, he kicked me in the back and said he would kill the child. From that time on he continually abused me, called me vile names, threatened me and struck me. This happened over and over again. About the 10th of July 1896, when we were at Hemmerly's, after we had gone to bed or in the morning before we had got up, he had been cross all night and said he would kill the kid. He placed both hands on my stomach and put all his weight there and jumped out [of bed]. On the Sunday morning following, he did the same thing, placed both hands on my stomach and again said he would kill it. This made me sick and flooded badly. He then wanted to make me walk out to our house. I told him I couldn't walk there. Then he went out to the lot. Later in the day, when I got to feeling better, I got Mrs. Hemmerly to take me out on the way to church. He was then very cross. He then threatened to kill me and said I wouldn't live but that day. He would pick up a chair and threaten to strike me. He was so cross he frothed at the mouth. I was afraid and went out in front of the house where the neighbors could see me, thinking he would not hurt me when they could see us. I was afraid to stay there and went back to Hemmerly's. He came back there at that time at night, but he was very cross and very ugly to me all that week. He assaulted me that Monday night. He pinched and bit me on the arm. Often the more I suffered the better[?] he was satisfied.

On Wednesday 15th of July I swore out a warrant for assault and battery against him. On the Sunday night before that, he tore up the house from top to bottom. He had it locked with ropes and the

windows nailed down so I couldn't get in. The criminal case was tried at Sept court, and pleaded guilty. He was sent to County Jail for 1 year and to keep the peace for 2 years, with \$500 security.

I was born in Bucks Co., and have lived here all my life and have never lived anywhere else. My husband's treatment of me was so bad that I could not live with him any longer. I could not work. I could not get meals. I was locked out of the house most of the time when he was home. I was afraid he would do me harm or kill me. I could not sleep, I could not live with him.

In answer to the 6th interrogatory, witness says: I don't know any more.

Respondent asks the Libellant the following.

Libellant's answers are as follows.

Libellant says that Respondent was away at nights a great deal.

I [Lydia] did not say that you [Henry] went with other women, any more than I said you were intimate with Swartley's hired girl, and that the language and way of talking to her was very improper. I did not say that you used any more influence over me than anyone else before our marriage. I did not say that you squandered all my money in pure wastefulness. The only money that you squandered of mine was my earnings last winter. I never said I saw you in company with any woman for indecent purposes, although I think it is improper for a man to hug a single girl and putting his hands under her clothes, as you stated yourself to me. I asked the girl and she said the same thing that you said.

I cannot state the exact time you chased me with a butcher knife, but I know you did it a great many times and with scissors too. And one of the places was while I was sewing at the machine, and also when you baked me up against the wall. I said that you did lock me out many times when I was in my night clothes. The first time I took your overcoat to cover myself up, but after that you locked it up, so I had nothing on. I then took the mat to cover myself, but you also took that, so that I could not use that, and then you took the clothes line and tied it to the outside door, so that I could not open it.

I did say that you put both hands on my stomach when you jumped out of bed, and you accomplished what you intended to do—the child is dead.

Chickens were bought out of Respondent's wages and also set of dishes and mirror and a small cupboard. Libellant says that Respondent did not pay anything on organ. I paid \$60 cash and the rest remained unpaid. You did not want me to pay that sum in cash, so I worked out by the day in the garden, and sold out of the garden. You used some of my money on several occasions...[three words]. That is the way the \$3 got used. The money found in the handkerchief after you were arrested was money that I had...[one word].

Mr. Yardley asked Libellant the following: My husband contributed very little towards my support, he bought nothing for the house. What I had to eat, I bought with my money, and I bought what he ate also. He bought no clothing of any kind for me. He never bought any furniture for the house except what I mentioned. I worked after I was married part of the time. As long as my father lived, I kept house for my father and worked at my brother-in-law's Mr. Swartley, and got paid for my services. After I went to housekeeping, I boarded two of my brothers. I did some sewing while I was at Line Lexington. After I moved to Buckingham, I worked out by the day and sold my garden vegetables. I was not allowed much of that money. I carried it all to my husband. I had to do this. I have been unable to do anything while

my husband has been in jail. I am not in good health now. The birth of my last child was a miscarriage. I have not been well since. The last miscarriage happened Dec 12, 1896.

My husband came from London, England. I knew him from March to July before I married him.

[signed] Lydia M. Howlett

Examination taken, reduced to writing and subscribed by her and affirmed to, at the time and place above mentioned, before me. John L. DuBois Jr., Examiner

Testimony #2

Edward [Edwin] Hemmerly affirmed.

In answer to the 1st interrogatory, witness says: My name is Edward [Edwin] Hemmerly and live in Buckingham and am 58 years old. I am a farmer.

In answer to the 2nd interrogatory, witness says: I know Henry Howlett and Lydia M. Howlett. I have known Henry Howlett for 5 years. I have known him since I met him on the road to my place, and then I hired him for a month. He stayed with me until the following April. He then left and said he hired on a vessel, then he came back in August and said he was discharged from the vessel after he had been[?] on 2 weeks and drawn a month's pay. Then he left and said he was going to England to his father's. He said his father was a builder in London. About Christmas I received a letter postmarked London from him. About 3 weeks [later] I received another letter from him. He came back on 20th of March and staid till the 20th of June, but he was dissatisfied before that time and he had his trunk packed. After that I got a letter from him postmarked Canada. He came back in August. He got work in [lower?] Buckingham. He roamed about from one place to another and finally got to Swartley's. I have known Mrs. Howlett for several years.

In answer to the 3rd interrogatory, witness says: I was not present to [at] the wedding, but my wife and I were invited to the Gross' house to the wedding supper after they were married. We were there while they were at the minister's. I saw their marriage certificate that evening after supper.

In answer to the 4th interrogatory, witness says: I knew them to live together at Lexington and on their lot as man and wife. They slept together as man and wife at my house while he worked there.

In answer to the 5th interrogatory, witness says: I heard he did not treat her right, but I never saw anything. I saw that Mrs. Howlett's cheek was swollen one night, and she said it was from toothache. The week before he was arrested I went down to their house and found the door fast. We didn't get in that morning, but the next morning we got in and found a pile of clothes on the floor, bed clothes and her clothes and all kinds, the table was lying upside down, and also found the chairs tumbled over. The stairway was so full of bed clothes that we could not get up. When I got upstairs there was a new hammock cut in pieces and a gum[?] gossamer tore in small strips as wide as one's hand, and the bureau drawers were lying on the bed and on the floor. Nothing was on the beds but the mattresses. One door was tied with a rope. Mrs. Howlett had told me the morning before about her trouble with her husband. She said she had never told anybody before, but said she could not live that way anymore. I saw him in the Justice's office when he was arrested, and I asked him why he behaved so badly to her, and he said

he did not know. I never told him any tales about his wife being bad or anything else. I never heard anything about her to tell.

There are no cross examination and no questions to ask.

In answer to the 6th interrogatory, witness says he did not know anything more.

[signed] Edwin Hemmerly

Examination take, reduced to writing and by him subscribed and affirmed to at the time and place above mentioned, before me. John L. DuBois, Jr., Examiner

Testimony #3

Christian Gross, affirmed.

In answer to the 1st interrogatory, witness says: I am 28 years old and live at Line Lexington and am a carpenter by trade.

In answer to the 2nd interrogatory, witness says: I first saw Henry Howlett the day of his wedding at my father's place in Buckingham. Mrs. Howlett is my sister.

In answer to the 3rd interrogatory, witness says: I was not present at their wedding.

In answer to the 4th interrogatory, witness says: Libellant and Respondent lived together as man and wife at Line Lexington and at their lot in Buckingham. I boarded with them at Line Lexington, together with my brother and little child.

In answer to the 5th interrogatory, witness says: Henry Howlett did not provide for his wife and did not support her. I know he was out of work. I provided work for him. He would start a job, and sometimes work a day or two, maybe 3 or 4, and then for some cause he would stop and never finish it. The result was that the people were dissatisfied, he did not seem willing to do it. I could have provided plenty of work for him if he had attended to it. As a general rule, when we would come home during the day at dinner time, or even at supper time, he would be in bed. He would get up about bedtime, about the time we went to bed he would get up. Very often when I paid him any wages, he would go away for a day, and once staid till the next day. I have heard him complain and use very bad language to his wife, and I knew she was afraid of him, but I never saw him strike her.

Upon cross examination, Respondent had no questions to ask.

[signed] Christian M. Gross

Examination taken, reduced to writing and by him subscribed to and affirmed to at the time and place above mentioned, before me. John L. DuBois, Jr., Examiner

Testimony #4

The Respondent, being present, is informed by the Examiner that he has the right to testify in his own behalf if he so desires, but that he may decline to testify and cannot be called upon to do so. Thereupon the Respondent says he desires to testify in his own behalf.

Henry Howlett, sworn.

Witness says: I came to Swartley's to work, was hired by the month, married Lydia Gross, who was living there keeping house for her father. I quarreled[?] with her occasionally until we moved to Lexington, but I don't remember harming her seriously from the time we were married till we moved to Lexington. She received pay from her father for keeping house for him at \$1 a week. That money was spent principally between her and I. The first money spent by me after I was married was the sum of \$9.95. I went to Phila. that time and brought back a parlor mirror, a small medicine cupboard and a set dishes, and a hat for myself. I think when I returned home I had .75 in money.

After the sale we moved to Lexington. I occasionally worked out by the day. I worked for Mr. Swartley, going from Lexington there to work. I also worked some for Christian M. Gross. I did not work a great deal for him. The work was not plentiful. I mostly worked when I had the chance to work. Sometimes I was unable to work, by suffering occasioned by a kick of a horse. On one occasion I got a job shoveling and the work was too hard for me to stand, so I left it, and I asked Mr. Christian M. Gross to collect my wages for me. I could not get them myself. I went away that Saturday.

My wife claims that the money I got I never did anything with it for the house. She claimed my money went for cigars and tobacco and car fare. I often went to Phila. during the winter and I took money which I received from her brother and board money. I never came back from Phila., but once, intoxicated. Money that she earned and I earned helped to keep us. I got things cheaper in Phila. than I did here. I made the price of car fare every time I went.

I always held the name in the neighborhood as being sober and industrious. While I laid with her I was never in the company of any other woman contrary to her wishes. I don't want to deny that I didn't treat her right, but that I can't admit that I was lazy and didn't work. If I had the chance to explain to her in private, many things that she thinks she has positively proven, she hasn't proven at all.

Upon cross examination, witness says that Libellant exaggerated some things that she testified to. I have struck her repeatedly. I have threatened to kill her. I was in a passion when I threatened her, but I did not intend to do it. I threatened to destroy both children. I remember one, but I cannot swear positively to both. I did not try to kill it. I kicked her once or twice. It was not a direct kick but a push. I remember laying one hand on her stomach. It was not done from any bad intention. I don't remember putting both hands on her. It was not my intention to kill the child, although I said it. I told her I would make her work it off.

I locked her down stairs as she testified on one or two occasions. I mean to say that I did lock my wife down stairs in her night clothing, but don't remember how often. Upon one occasion I found a blanket on her when I compelled her to stay down stairs, and I took it from her so that she could not have that protection. I also took my coat and other things that she had to protect her. I don't know what my object was in treating my wife that way. She was a good wife to me.

I did take up and scatter things about, as my wife and Mr. Hemmerly testified. I had no particular object in doing this. I don't know why I did it.

I don't remember ever threatening or driving her out with a butcher knife. I did drive her out of the house and kept her out and locked the door.

I have been writing to my wife since I have been in jail, and have been wanting to have a private interview with her. I thought if I could get to see her, I could get her to take me back. That was my object. I did not want to get her property.

[signed] Henry Howlett

Examination taken, reduced to writing, and by him sworn and subscribed to at the time and place above mentioned, before me. John L. Dubois, Jr., Examiner