

Testimony in the Divorce Trial of Rev. Joseph W. Martin versus Sarah Margaret (Rhine) Martin

CAUTION: As we know, divorce trials can be ugly, and it is wise to be skeptical of what *either* party has to say about the other, particularly when the other person has no opportunity to respond. The following presents Joseph Martin’s testimony at a trial where his wife Sarah Margaret (known as “Maggie”) was not present and was not represented. We must also note that there was no such thing as a “no-fault divorce” in the nineteenth century; “irreconcilable differences” were not sufficient grounds. To obtain a divorce, one party had to prove truly reprehensible behavior against the other, such as abandonment, excessive cruelty, or adultery.

It is unlikely that we will ever get to read Maggie’s side of the story. It is astonishing, in fact, that we even have Joseph’s testimony — amazing that an Iowa newspaper would have chosen to print a verbatim transcript from the trial, and that that newspaper would be preserved and available 143 years later. It is stated here that Maggie had previously testified against Joseph at a church trial concerning the dissolution of their marriage. That testimony could be enlightening, but there seems to be little chance we will ever find it.

Anyway, the transcript from the newspaper is presented below, along with a few bracketed inserts [] that I have included for clarification.

—Peter L. Martin, Lakewood, Colorado, February 2022

From *The Atlantic Telegraph* (Atlantic, Iowa), 13 November 1878, Wed., p. 3

DOMESTIC DISCORD.

The Suit of Rev. J. W. Martin, of Anita, for a Divorce From His Wife.

SOME OF THE EVIDENCE.

Ten Years of Unhappiness, as told about by the Preacher on the Witness Stand.

The Rev. J. W. Martin, who was recently pastor of the M. E. Church at Anita, in this county, is an applicant for a divorce from his wife, to whom he has been married for nearly ten years. The case was heard by Judge Loofbourof of the circuit court on Saturday. Mr. L. L. DeLano appeared for the plaintiff, and

the defendant was neither present nor represented by attorney. The following is a *verbatim* report of the plaintiff’s testimony:

J. W. Martin being called by the plaintiff and sworn, testifies as follows on examination in chief, by Mr. DeLano:

I was married on the 17th of Sept. 1868, at Fall[s] City, Richardson county, Nebraska. I have four children. The defendant is not now living with me as my wife. She left me near the middle of last April. I reside in this county.

How long have you been living in this county?

Two years and one month.

Where have you been living during that time?

In Anita.

What has been your occupation?

That of a Methodist minister.

You may state how you have conducted yourself toward the defendant during the time you have been married to her.

As kindly and faithfully as it has been in my power to do so, as I understood the duties of a husband.

You may state what has been the conduct of the defendant during that time or any portion of the time.

During the latter part of the later years of our married life it has been very unsatisfactory to me. So I considered it such as ought not to be the treatment of a wife to her husband—of abuse, cruelty of different kinds, and unfaithfulness in several respects.

You may state the incidents, such as are within your personal knowledge, commencing with the first.

Well, sir, I am under the conviction that she has repeatedly violated her marriage vows, and in that has been unfaithful to me. I know that she has repeatedly told me that she was anxious to get rid of me, and assigned as her reasons that there were other good men, and better men, waiting for her society, that she could get if I was out of the way. And she has also repeatedly said to me that if I [it?] was in her power she would destroy my life—she would kill me in order that she might accomplish those designs. She has frequently prepared herself and clothes to leave me, and I have found her on or near the point of starting several times, and within the last year, ultimately, she did go. She repeatedly said to me and others that she would leave me finally, and would not live with me again. I have reason to believe she has been unfaithful for years past, although I was not thoroughly convinced of this until last winter.

State what admissions she has made to you concerning her conduct.

One case I remember which occurred two years ago this last summer and fall, in the village where we were living at the time, Magnolia, Harrison county, this State. She frequently in my absence and contrary to my wishes, called a certain physician to her room, and there remained locked in the room with

him. This always occurred in my absence, and I received the information through my children, and ultimately through other parties, who are witnesses to this matter—when I had a good family physician employed to do the doctoring of the family, the calling of the other man was strictly contrary to my wishes and my desires, and it was kept from me stealthily until I discovered through my children that they carried notes over to this gentleman, and from other parties here in the room, who can give this more fully than I can.

Did you have any conversation with her in relation to it?

Yes. I protested, and told her that it was contrary to my wishes and my will, and I thought very detrimental to her and to her character. Her reply was in such cases that she enjoyed his company and the company of other gentlemen, and if I didn't wish him and other gentlemen to come there in my absence that I should have to take some steps to prevent it; that she should certainly enjoy their society while she had the privilege; and that she would not do without their society. And when I asked her not to take such suspicious steps, she replied about the same. There are other cases of a similar character. A year ago last summer, in March, 1877, when I was about the legitimate pursuit of my business, having been called away for two weeks, and before leaving I secured a strong healthy young lady to do the work of the family and care for her and the children. Immediately upon my absenting myself from the village, she called in a gentleman of a very questionable character to the house to keep company with her while I was gone.

What was his name?

His name was Wisner. He had been a saloonist in the village, but he had recently sold out his saloon business, and the gentlemen about there told me repeatedly that he was not a gentleman that ought to stay around my house, even in my presence, and I didn't think him a fit gentleman for her to associate with. I never advised her not to do so; but immediately upon my leaving the village she went to his boarding

place and solicited him to come to our house, and after she got him to the house, she discharged the hired girl and sent her home, and kept him there four or five days, perhaps a week.

When did you learn of it, and how?

I didn't learn the particulars in the case until some five or six months afterwards, although I knew that he was at the house, but thought that the hired girl was there until some time afterwards, when I learned the particulars in the case and related them to her.

What did she say about it?

Her reply was that she enjoyed the society of the gentleman better than she did that of the lady; that no woman was any company for her, and that she wanted the society of the gentleman, and therefore discharged the girl and kept him; and that if I didn't wish her to keep him or any other man in my absence that I must stay at home and keep them away myself; that she wouldn't receive the society of ladies to keep her company and do her work in my absence. I also told her that I understood that she had repeatedly conducted herself improperly with him. She told me that she had hugged him and kissed him, and that she loved him. I went to the gentleman about the matter afterwards, and he also told me that she repeatedly sat on his lap during the time that he stayed there, both night and day, and put her arms around him and hugged and kissed him and told him that she loved him and desired him to live with her right straight along. There is still another case that led me to believe she was unfaithful. A year ago last September I was called to attend our annual conference in Boonsboro. I hired a lady to keep company with her and do the work in my absence, and during that time she received a gentleman caller in her house at improper hours in the night and entertained him until after midnight. This also led me to believe that she was unfaithful—refusing to let the hired girl or her own children see the caller, but sending them out of the room or up stairs, and refusing to let them come down while the callers were there.

When did you learn this?

I didn't learn of this until this spring, about the time she left me. There is still other things, a number of them, that led me to believe she was unfaithful. One case, two cases, good honorable men as there is in any country I think, came to me—after she had left me and my friends, some of whom had advised me to receive her back again—and told me she had conducted herself unbecomingly with them, and had solicited them to her bed room, and did ultimately decoy at least one of them there, and earnestly solicited him to take her bed with her. This in my absence also, when I was on business away from home. Another case happened some time ago—some two or three years ago, when she was on a visit from my house to some of her friends in Nebraska, some 200 miles distant from our home at that time. Before going, she asked my advice as to whether she should visit a certain gentleman living in that neighborhood. I told her by all means if she visited him at all to go in company with other good ladies. And when she went to the place she went without company to his house, and that, after I had told her that I had no question in the world but that he was a man without character, and yet she went to his house and put up there.

How do you know the fact that she went there?

She wrote to me herself from his house, stating she was there. Upon her return home she confessed to me that this gentleman held her in his lap and kissed her, and one time felt of her bosom, and at another time he pulled her into his bed, and she was in his bed five or six minutes without making any noise, as she confessed to me, to call others into the room. Another case she told me of, when she was visiting in Indiana a year ago this last summer. She was absent something more than two months or a little over, that a certain gentleman there who had been married, but wasn't living with his wife, was stopping at the same house where she was stopping. She told me that she repeated sat on his lap; that he hugged her and kissed her and felt of her breast repeatedly; and she told me that he prized her society so much

that he wouldn't go to his work in the morning without hugging and kissing her, and that he frequently came to her bed-room in the morning for the same purpose. She related these things to me after coming home from visiting, because she said they were known to other parties there, and she was afraid they would write to me and put a wrong construction upon the matter. She told me these things—of course not all at once—but by degrees.

Then I think she also gave me strong reasons to believe her unfaithful, in view of the fact that she repeatedly told me she hated me, and that there were other men that she loved a thousand times better than me,—men that were waiting for her, and if she was only a free woman she could get them, and that she could, and while tied to me by the marriage vow, and she wished to God I was dead, repeatedly, and told me if it was in her power she would kill me, and also told me she would have me killed by other parties. And then the fact that she made all preparations to leave, and gave these reasons, and ultimately did leave me without saying to me since that she wanted to return home, but has repeatedly said she never would and that there were other good men waiting for her when she got rid of me. These things led me to believe she was unfaithful to me and especially from the fact that when she left me she went immediately into the neighborhood of one of the gentlemen with whom she was so intimate before, and was under his advice and directions in many things.

QUESTIONS BY THE COURT.

You say you have lived with this woman ten years?

Nine years, and from the 12th of Sept. to the middle or nearly the middle of last April, sir, before she left me. It would have been ten years the 12th of this September.

Where is she now?

I am not right certain, but I think in Indiana.

You were living at Anita when she left you?

I was living at Anita, had a house there.

Were you the pastor of the church there?

I was at the time. Our annual Conference has set since, and I am not pastor there now.

Where did she go when she left your house?
Went into Mahaska county, in this State, to the best of my knowledge.

How long had you known her before you married her?

I knew her from six to eight months.

You got acquainted with her in Nebraska?

We met there first.

Did she bear a good reputation before that?

So far as I knew; but I have learned since that she didn't.

She was a maiden lady when you married her?

She was, I think.

Never had been married?

No sir.

You have been in the work of the ministry all these ten years?

I entered the ministry in April, after we were married in September.

What business were you in when you got married?

I was farming; at least I had been; but I taught school during the fall and winter after we were married until I entered the ministry.

And you have been in the work of the Methodist ministry ever since?

Constantly sir.

Moving about from place to place as they do?

I lived in one place the shortest length of time, one year, and the longest, under three years.

How old was she; how were your ages?

I think sir, she is about two years younger. [Maggie was 3½ years younger than Joseph!]

Is she a member of your church?

She was when we were married; but she has not been for many years, having withdrawn herself.

She withdrew from it herself?

Yes sir.

Join any other?

No sir.

Disconnect herself entirely from the church?

Yes sir, as far as it was in her power to do so.

Now you speak of some occurrence in

Magnolia, Harrison county. How long was that after you lived there?

That was two years ago this last summer and fall.

That is the first indiscretion she was guilty of as far as you know?

No sir.

When was the first time your suspicion was aroused?

I think the first suspicion that I had, of any special strength, was between 4 and 5 years ago.

Where did you live then?

Tabor Rock, Nebraska.

That was before you came to this State?

Yes sir.

You had lived in Nebraska all the time?

That was nearly 5 or 6 years after you were married?

Perhaps 5 or 6,—between 4 and 5 years before, as I thought I had any good reasons upon which to base my convictions.

How had you lived up to that time, pleasantly?

Well, it hadn't been exactly pleasant to me.

What was the reason?

Well, there were several reasons. One was her continued cruelty and abuse of myself and my children.

When did that commence?

Very shortly after marriage,—in other words, her cruelty and abuse to my friends and those who were helping me in my business.

Yes—by your friends do you mean your family relatives?

No sir, I don't; for we were living among strangers.

Your friends in the church?

Yes, and out of the church that were especially friendly to me.

I suppose when you were married she professed some attachment toward you?

Yes sir, she did for a season.

How long did she keep that up?

Well sir, not of any great strength for more than a year or so. I think it was inside of one year,—yes, inside of one year she told me that she would leave me, and that she would not live with me, and made an effort to do so, and

actually started to leave, and through persuasion she returned.

Where did you live then?

I lived then in Fall City, Nebraska.

What reason did she give for wanting to leave you?

Well sir, she assigned as the reason at that time, that she desired to go back to her people in Indiana, where she came from, and that she was tired of living in that State, and wanted me to go back with her. I told her my property was there and my circumstances were such, I couldn't go back. She said there were at least two good men in the village where she came from that were waiting for her, and they would take care of her, and she had no special reason for staying with me anyway, and she would return to them. She then professed she wanted me to go with her.

She would rather live with you than either of them if you would go back there with her?

She didn't say so; but she told me she could take either of those at her pleasure, and would do so if I didn't go back with her.

Did you get acquainted with her out in Nebraska?

In Nebraska, yes sir.

Well, she didn't go then, you coaxed her out of that notion?

Yes sir.

You say that since she left you—that was in April last?

Yes.

How did she come to leave—what was the immediate circumstance attending her departure?

Well sir, the circumstances were these: I had been sick for some six weeks, and unable to meet my appointments. One Saturday, near the middle of April, a gentleman came in from the country five miles with a horse and buggy after me, and I went to the country to meet my appointments at the country churches, and it was impossible, the distance I had to travel, to get back on Sunday night, and in my absence, on Sunday night, while I was six miles in the country, she took the express train east, and left me, and I knew nothing of it. On Monday I was bedfast, unable to come home at all, and I never

knew it until Tuesday about 10 o'clock.

Did she take the children with her?

She took the two youngest.

Where did you leave the other two?

In my sickness her father took care of them until I was better. [Note: Maggie's father had died in 1857. Probably Joseph said "my father," and the transcriber heard him wrong.]

Did he live out there?

No sir, he lived in Fall City, Nebraska. She had sent them out.

Have you seen her since?

Yes.

Whereabouts?

She once returned to Anita on business, and I saw her there then—or near Anita; and I also saw her in Atlantic during the last annual Conference. She was brought there as a witness.

In what matter?

In the matter of my own case. My wife having left me of course there was a committee appointed to investigate my case before the annual Conference, and she was brought here as a witness in that case.

Where from?

I understand from Fall River [Falls City?], Nebraska.

Did she appear voluntarily as a witness, or did they compel her to testify?

Well sir, she appeared voluntarily, so her friends told me here. I don't know of any law that would compel her to come—there is no law to compel her to come.

Did you have any talk with her while she was here in Atlantic?

Not while she was in Atlantic.

That was the last time you saw her?

Yes.

You then saw her at the church meeting but had no conversation with her?

I had no conversation with her in Atlantic, no sir, during the time she was here.

Did you have any talk with her while at Anita, on business?

Yes I did, and I also talked with her as she came to Atlantic. I met her on the cars between the Bluffs and this place; I then talked with her

on the road coming up.

Did she tell you what she was coming for?

She told me she was coming as a witness to help prosecute the case against me.

What kind of a case was she claiming to prosecute against you?

One of the charges was the separation from her without scriptural warrant.

She censured you for the separation, did she?

Yes she censured me for the separation, claiming I caused the separation.

How did she claim that you had brought it about?

Because I would not quit my line of business—my vocation, and go into some other that she wished me to.

She didn't want to be a preacher's wife?

No, sir.

Well, was there anything else special that she claimed?

She alleged a number of things. She alleged that I didn't provide for her, and that I was absent from home too much to suit her.

Well, you say you saw her up at Anita when she was there and talked with her then?

Yes.

Did you have any talk with her about coming back, or about any reconciliation, or about living together again?

No, sir.

What was that talk up there?

Our talk was in relation to the settlement of our business affairs—property question.

You didn't care to talk the other matter over with her, but didn't she care to talk it over with you?

She didn't introduce it to me and I didn't introduce it to her.

You didn't feel as though you wanted her to come back?

I didn't sir.

And she didn't seem to want to come back?

She didn't say that she wanted to come back, nor she didn't tell me she would come back, but she told me she had friends that were amply able to take care of her, and were doing so and would do so.

Now these other matters of unfaithfulness you talk about. About all you know is what people have told you?

The most I know is her own confessions to me.

She would tell you about all these matters when you would come home?

Not, sir, until I heard it from other parties and asked her about them.

Then you would throw them up to her and she would acknowledge?

I wouldn't, sir, throw them up to her, I would simply tell her.

That you heard such and such things.

That such and such things were reported against her, and I would ask her how they were, but in no sense that I understand throw it up to her.

She acknowledged they were true?

Some of them she would and some of them she wouldn't. In the case that I speak of, of her sending for the physician, and having him come repeatedly, she didn't acknowledge a number of times when my children told me he had been there, she wouldn't acknowledge, and sometimes she would. The case of the gentleman pulling her into his bed, she did acknowledge that to me, for she said it was known to other parties and she feared they would write to me and put a wrong construction upon the matter, and so she told me herself.

Did she cry about it—seem sorry?

Yes, seemed to be sorry, and said she was sorry at that time, but afterwards told me she thought it no more indiscrete to be in his bed that way than it was to be in mine—Any more wrong I believe was the word she used, instead of indiscrete.

You say that friends of yours advised you of certain matters when you were talking of a reconciliation?

When friends advised me to reconcile the matter with her.

Who were they?

Well, sir, the friend that advised I think the most strongly was one of her sisters-in-law.

You spoke about two very honorable gentlemen who came and advised you of

improper conduct?

It was Mr. William _____, of Fremont county, this State, and Isaac Ryan, of Fall City, Nebraska. [NOTE: Isaac *Rhine* was Maggie's nephew and also Joseph's brother-in-law, having married Joseph's sister Mary]. Perhaps I ought to say here that I expected him here to-day, but received news that he was laying very low with billious fever.

You have had no talk with her since this suit was commenced?

I haven't, sir. The day the annual conference adjourned she went to Indiana.

She seemed willing that you should make application for a divorce?

She was anxious that I should.

She was anxious for a divorce from you?

She said she was anxious for a divorce.

Your oldest child is 9 years old?

Yes.

Boy or girl?

Boy.

What are those she has with her?

She has the 3d, a girl 6 years old this October, and the little boy 4 years old she sent home this summer herself, after taking him away in the spring.

OTHER EVIDENCE

A few other witnesses were called to corroborate the Rev. Mr. Martin's testimony so far as their information extended. Mrs. Dr. Bradway stated that Mrs. Martin had made substantially the same confession to her in regard to her conduct with the saloonist Wisner, that she had made to Mr. Martin. Mrs. Bradway said Mrs. Martin gave as a reason for her hugging and kissing Wisner, that he was trying to reform, and she wanted to encourage him to be a good man. Mrs. Morrison, of Anita, also to some extent confirmed Mr. Martin's testimony in regard to young Wisner. [NOTE: Joseph married *Mrs. Margaret Morrison, of Anita*, two years after this trial. It's not certain that she was the same "Mrs. Morrison" who testified at his trial, but it seems likely.] Mrs. Bradway and Mrs. Morrison both testified that Mrs. Martin had several times urged against her husband the

objection that he was a minister, saying that she would rather he was a house carpenter.

Miss Hetrick being called, testified that she was staying at Rev. Martin's in Anita a year ago last September, while Mr. Martin was away at conference, and that nearly every evening during Mr. Martin's absence Mrs. Martin had a gentleman caller at about 10 P. M., and that as soon as the gentleman would knock at the door Mrs. Martin would send her (Miss Hetrick) and the children off up stairs to bed.

Miss Jordan, a sewing girl residing at Magnolia, Harrison county, testified that she made her home with Mr. and Mrs. Martin at Magnolia, three years ago, and that during a part of that time Mrs. Martin was in the habit of calling a Dr. Clark, who did not bear a very good name. The witness said Dr. Clark would call in the day time when Mr. Martin was absent, and that Mrs. Martin always took him into her bed-room; that they would remain in the bed-room a half hour and sometimes longer; that when the weather became cold Mrs. Martin would always have a fire in the stove in her private room, at a certain hour of the day, preparatory to the arrival of Dr. Clark.

Dr. Bradway, of Anita, was also called, but his evidence was not material.

NOT YET DECIDED.

The court (Judge Loofbourow) took the case under advisement.

REMARKS.

If the evidence given is true, Mrs. Martin is either a fool or else insane. We presume there is another side to it, there generally is. We understand that at the church trial Mrs. Martin presented her side of the case with vigor. If the evidence be true, what are we to think of the Rev. Mr. Martin himself? Is he not a mild submissive creature to too great an extent?

PERSONELLE.

The Rev. Mr. Martin is a slick looking man, about forty years old. [Joseph was 32, nearly 33, at this time.] He has dark hair and eyes, and his appearance suggests Uriah Heep and oily gammon, and does not altogether confirm the belief in the lamb-like character which he paints for himself in his evidence.

Followups in Subsequent Issues

20 November 1878, Wed., p. 3

The Case of Rev. J. W. Martin.

Since our last publication, good men of this community who have for a number of years known Rev. J. W. Martin have assured us that our estimate of him as given last week, was harsh, hasty, and unjust. If that be true, we very much regret the publication of the brief paragraph under the head of "personelle," for we desire to do no man injury in his reputation. These friends of Mr. Martin's assure us that he is really a Christian man; that his sufferings in the past years, during his married life in fact, were intense, and that it was difficult for him to determine in his own mind as to what course Christian duty required

him to pursue—hence his long submission to wrongs that other men would have resented at the very start. We have no acquaintance with Mr. Martin, and our hastily formed opinion was made up in the court room and possibly was erroneous. The TELEGRAPH never desires to harm the character of any upright man, hence this statement. We despise a wolf in sheep's clothing but have no desire to make a man who is not a hypocrite appear to be one.

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Judge Loofbourow granted J. W. Martin a divorce from his wife.