

## My Visit to the Dungeons of Des Moines, Iowa, and What I Found There

On my way home from Cambridge and Slater that same year (2001), I stopped in Des Moines and spent a couple of hours in their historical library. I didn't find much there, so I went to my final stop, the Polk county court house which is right in the middle of down town. Des Moines is a reasonably large city, about the same size as Salt Lake. The court house is a large four story building which covers about half a city block, adjoined by several other buildings including the police station on the west side. When I entered the building, I was immediately struck by the gloominess of the large main floor room. This place was not designed to make people feel welcome. There were several people bustling about, and quite a few individuals sitting near the walls on benches and folding chairs. As I went past the guards through the metal detector, I noticed that most of the people were rather ruff looking. These people were having trouble with the law in one form or another.

I made my way to the clerk's office. Inside that room it was slightly brighter but also large and imposing. As I entered I again saw several people who were sitting on a long bench, each waiting for their turn, separated from the clerks by a long tall counter. I noticed that, while there were a great number of clerks and others milling about among the desks on the other side of the counter, there were seemingly no clerks at all who were actually there at the counter helping people. So, like the others, I took a number, and after about 30 minutes my turn finally came up. I told the clerk that I was looking for documents regarding a divorce case from about 1890. I didn't know the exact date, but I did know from our family history\* that Ole J. and Bertha had been divorced, and shortly afterwards Bertha had died in 1899. I also knew that the family farm was in Polk county, situated on the northern most edge of the Polk county line, very near Slater and Cambridge. After Ole J. and Bertha died, most of the family had ended up in Story county. This fact explained why my grandma and grandpa Wald had had so much trouble researching this family—because they didn't really look for records in Polk county. Nevertheless, I had discovered the location of their farm through land deeds signed by Ole J. himself, and today I was looking for some real meat—something that would tell me more about how this family had fallen apart over 100 years ago.

As you might imagine, the first clerk that I talked to didn't have a clue how to help me, and she didn't even seem to understand what it was that I was asking for. So she went and got another clerk, and after making the same request to at least four different clerks (each time gaining more and more of an audience among the various people who were behind me), finally a slightly older lady came to the counter. After I explained my request yet again, she very kindly escorted me past the counter, around several desks to the back of the room, through two sets of tall oak doors, and down a long narrow set of stairs that led into the basement of the courthouse. There were no windows in that basement, and there didn't seem to be any real rooms either. The entire space was filled with a maze of masonry pillars and archways with various odd spaces between them—all built in the distant past by some long forgotten mad brick mason. As I reached the bottom of the stairway I saw hallways protruding off in all directions, some long and dark at the end, some short and halting abruptly. Every brick appeared to have been painted at least a dozen times—most recently with thick, glossy gray paint. The smooth texture and dark gray brick gave that basement the appearance of a damp and gloomy dungeon. At this point I was again asking myself: “what am I doing here”, and “I wonder if there is any chance in Beelzebub's castle that I will find what I want down here.” I felt like leaving immediately.

Nevertheless, I was there, down in that strange basement. Tucked away in every conceivable nook and cranny were dozens of file cabinets of all sizes and shapes, carefully fitted underneath a strange entanglement of large ventilation tubes, pipes, conduits, and computer cables. Down in that dungeon I was introduced to a very friendly young records clerk named Tina Lee. I explained to her what I was looking for, and she very kindly and expertly helped me find several index films where she thought we might find reference to the documents I was seeking. I then spent the better part of two hours looking for any reference to Ole J. Olsen / Olson / Olesen / Oleson / Vold / Wold / Wald etc. etc., and had absolutely no luck at all. Although she was working on other things, Tina had come over to help me several times during those two hours, and when it came time to leave I'm sure she could see that I was very disappointed. I thanked her for allowing me to search through their records and for helping so much, and I then prepared to leave thinking that I would just blow off that whole day as a complete failure, having not found anything at all. Before I left, Tina insisted that I write my name and address on a card with the names of the family and the information that I was looking for. She then told me that she would let me know if she finds something in the future. She had been really nice in helping me, but while standing underneath that huge labyrinth of bureaucracy I wasn't holding out much hope as I left.

I had heard that small town court houses sometimes keep old boxes full of case documents, and that the case of a family divorce could produce many documents that would be filled with details about the family. That day there was no such luck for me. The next year in the fall, however, well over a year later, after I had nearly forgotten about that whole sorry day in Des Moines, here in the mail came a letter from the Polk county clerk's office. Sure enough it was from my friend Tina. In the letter she explained that she had been looking for something else, and by accident she had run across an old index for equity cases. Somehow she remembered that I had been there and had been looking for this case type. She found the card that I left the year before, and although she wasn't able to locate the actual case file, she found a copy of the docket for the case which led her to find a copy of the final divorce decree given by a Judge Holmes. We didn't get any documents from the original court case, but we did get the final decree which describes several details about the divorce—the end of which must have been a very difficult struggle for the family. I have included that document below.

The docket shows that the case proceeded from August 31, 1893 until this final decree of November 4, 1895. The fees sheet also shows that the case was not finalized until 1898, just one year before Bertha died. The document begins at the bottom of page 522 through to the end of page 523, with "Bertha Oleson, Plainiff, and Ole J. Oleson, Defendant...case #4459".

plaintiff have judgment against the defendants, E.D. Janes & Company, E.D. Janes, and Frank Janes and each of them, in the sum of \$279.75 with 7% thereon from this date until fully paid and for the costs of this action taxed at \$-----, including an attorneys fee of \$23.98, and that execution issue therefor.

Abbie A. Thompson )  
-vs- ) No 7027 Eq. Holmes J.

R.W. Marquis, et al ) On hearing the report of the referee herein it is ordered that his fee bill as reported be and the same is hereby allowed as follows: For the purpose of making a sale and posting notices \$10.00; Receiving bids and making report \$15.00; Bill of Sale \$10.00; Notary fees \$30.25; 121 assignments \$30.25. Total \$100.50.

Ella M. Miller )  
-vs- ) No 8902 Law Holmes J.

A.H. Leonard ) It is hereby ordered by the court in said cause, that J.B. Puckett be, and he is hereby appointed and duly authorized to serve the writ of Habeas Corpus, this day issued, in said cause, with like effect in all respects as if done by the Sheriff.

Mrs. S.L. Hellyer )  
-vs- ) No 7187 Eq. Holmes J.

D. Hellyer ) Do it remembered that now on this 11th day of March, 1897, the same being the 58th day of the January Term, 1897, of the District Court of Iowa, in and for Polk County, the case of S.L. Hellyer, plaintiff vs. D. Hellyer, defendant came on in regular order in open and regular session before the court for trial, the plaintiff appearing thereto with her attorney, C.L. Wilson. The defendant failing to appear the court after having duly examined the pleadings in the case, and being satisfied of the residence of the parties as required by the statutes of Iowa, and finding that all jurisdictional requisites are present and that this court has jurisdiction over the parties in this suit and after having heard the testimony adduced on the trial, and being fully advised in the premises, finds that all the allegations of plaintiff's petition are true, and finds that the slanderous charges made by the defendant against the plaintiff and alleged in his answer in this cause are untrue and the court finds that upon the allegations of plaintiff's petition she is entitled to be divorced from the defendant.

Therefore it is hereby ordered, adjudged and decreed by the Court that the plaintiff, S.L. Hellyer, be, and is hereby forever divorced from the said defendant, D. Hellyer; the bonds of matrimony heretofore existing between them being hereby and forever dissolved, and all of the right or interest that the said D. Hellyer may have had or been entitled to in the property of the plaintiff by reason of his marriage to her, is hereby cut off and forever barred.

Bertha Oleson, Plaintiff )  
-vs- ) No 4459 Eq. Holmes J.

Ole J. Oleson, Defendant & )  
Peoples Bank of Humboldt, )  
Intervenor. )

This cause coming on this 4th day of November, 1895, before the Hon. C.P.

Holmes, one of the Judges of said Court, the Court after hearing the evidence, and argument of counsel and being fully advised in the premises finds:

That the allegations and statements in the petition are true, and that the plaintiff and defendant separated more than ten years since and that said plaintiff and defendant have not lived together during said period of more than ten years last past: The court further finds that plaintiff and defendant entered into an agreement of separation and division of the property, at the time of their separation, and that the East one half( $\frac{1}{2}$ ) of the North-east quarter( $\frac{1}{4}$ ) of section six(6) Township eighty-one(81), Range twenty-three(23), being the fractional half of the half section, amounting to about seventy(70) acres of land, is the homestead of the plaintiff and has been for more than twenty (20) years last past.

The Court further finds, that the mortgage given by Ole J. Oleson to the People's Bank of Humboldt, Iowa, was given without the knowledge and consent of the plaintiff, upon the homestead of the plaintiff.

It is therefore ordered and considered by the court that the marriage contract between the plaintiff and the defendant be, and the same is hereby set aside, annulled and cancelled and held for naught, and that plaintiff and defendant be perpetually divorced from each other, and that the bonds of matrimony heretofore existing between the plaintiff and the defendant be and they are hereby dissolved, set aside and held for naught.

That the mortgage given by the defendant Ole J. Oleson to the Peoples' Bank of Humboldt, is null and void and that the same be and is hereby set aside, cancelled and held for naught.

It is further ordered and decreed that the title to the East one half( $\frac{1}{2}$ ) of the North-east quarter( $\frac{1}{4}$ ) section six(6) township eighty-one(81) range twenty-three(23), being the fractional half of said half( $\frac{1}{2}$ ) section, amounting to about seventy(70) acres more or less, be and the same is hereby decreed to belong in fee simple to Bertha Oleson, and that all interest in and to said land and every part thereof of the said Ole J. Oleson be and the same is hereby cut off, cancelled, and held for naught and that the plaintiff Bertha Oleson is hereby decreed to be the owner in fee simple of said land and every part thereof, free from all liabilities and incumbrances, created and to be created by the said Ole J. Oleson, and particularly, free from the mortgage given by the said Ole J. Oleson to the Peoples' Bank of Humboldt, Iowa.

It is further ordered and decreed that the costs in this case made by the Peoples' Bank of Humboldt, shall be paid by the said Peoples' Bank of Humboldt and a judgment is hereby entered thereon in favor of the plaintiff in the sum of \_\_\_\_\_ Dollars, and that an execution be issued thereon in default of payment.

It is further ordered that each party shall pay their own costs in the main case.

ORDERED THAT COURT ADJOURN UNTIL NINE O'CLOCK A.M. TO-MORROW.

*Thomas F. Summers*

J U D G E S

Although it is well documented in the Wald Family History<sup>26</sup> that Ole J. and Bertha divorced, the document above is very important for several reasons. First, we see that their names were given as: “Ole J. Oleson and Bertha Oleson”. This helps prove their identity which has been difficult given that other family histories and documents have used many different names and forms of their names with an astonishing variety. Furthermore, the land in question, as described within the divorce decree, is in fact the same land that has been previously attributed to this family within land deeds and other documents. That is: “The East one half (1/2) of the North-east quarter (1/4) of section six (6) Township eighty-one (81), Range twenty-three (23),...,amounting to about seventy (70) acres of land”. This describes section 6 of Elkhart township which is very nearly at the center of Iowa. The actual town of Elkhart is a few miles south of the farm, but in earlier times there was no bridge over the Skunk river, so settlers on the north end of the township could travel much more easily to Cambridge or Slater. This quarter section of land can be easily found situated on the northern most edge of Polk county, Iowa, immediately east of the I-35 freeway and one mile south of state highway 210. According to the land deeds, Ole J. Oleson at one time also owned land to the west of this section which was not described here. Finally, we see in the decree that Ole J. and Bertha had been separated for at least 10 years previous to 1895, and that Ole J. had apparently sold the property and left the family without fulfilling an earlier obligation to give half of the proceedings to Bertha. Ole J. then moved to Humboldt county where his death is recorded in 1908. No doubt that this must have been a terrible hardship for Bertha and the children, and just one year after finalizing the decree and obtaining ownership of the land again in 1898, Bertha died in 1899. Bertha’s grave stone can be found in the Slater cemetery which is about two miles south of the east end of Slater. The stone reads “WALD, \_\_\_\_\_, Bertha Olson, b. 1835, d. 1899”. There is a space on the stone for her husband, but the family never had his name inscribed there. After his death, Ole J. was brought to Slater and buried in the family plot, but he was not placed next to Bertha under the stone. At present his grave is still unmarked. On the stone, under

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26 from “The Wald History” by Cleve Darling: “Although Ole Sr. had always been a follower of Bacchus in a mild form, in later years he grew worse. As in all cases like this, he became abusive, insisting on bringing his crowd in the home. This was too much for the children, who wanted to keep their good social position in the community. Finally these Bacchanalian revels would last several weeks at a time, so the children had Bertha get a divorce. Bertha and the children stayed on the farm and Ole went to Humboldt County where he stayed most of the time, the rest of his life.”

Bertha's name, there is a small inscription which is nearly illegible due to weathering. It reads: "Her end was peace".