

Jefferson County Circuit Court
Case Files - Civil
July 1874 - # 13

Box

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FOLDER

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Burgess, E. Maynard
VS

Burgess, Helen M.

Divorce

Married Sept 29, 1861;
abandonment

E. Maynard Burgess, Plaintiff } In the Circuit
vs } Court of
Walter M. Burgess, Defendant } Jefferson
County Missouri

Plaintiff states that he was lawfully married to the Defendant in Kent County Michigan on the 29th of September 1861, that he continued to live with the defendant as her husband from that date till the 8th day of April 1873 during all which time he treated her with kindness and affection and performed all his duties as the husband of defendant but he avers that the defendant wholly disregarding her duties as the wife of plaintiff abandoned plaintiff on the 8th day of April 1873 and has ever since without reasonable cause continued to live separate from the plaintiff so that plaintiff avers that the defendant has without reasonable cause absented herself from the plaintiff for more than the space of one whole year next before the filing of this petition, plaintiff says further that he has resided within this state for more than one whole year next before the filing of this petition, wherefore plaintiff prays the Court to decree that he

be Divorced from The Bonds of
Matrimony Contracted as aforesaid
with the Defendant and that the
Court will grant other proper
relief

} Williams
Atty. for Plaintiff

E. M. Burgess on oath says that the facts
& allegations contained in the foregoing
petition are true to the best knowledge
& belief of Plaintiff; that the Complaint
is not made out of Levity or by collusion
fear or restraint between the parties
for the mere purpose of being
separated from each other but in
Candidly & Truth for the purposes
stated in the petition & that Defendant
is a non resident of the State of Missouri

~~Sworn to and
Subscribed
before me~~

~~Justice of the Peace
Little Rock Township
Jefferson Co. Mo.~~

Sworn to and
Subscribed before
me July 6th 1874

W. S. Boyce Clerk in Ch.
By C. H. Worine Deputy

13

3865

E. Maynard Burgess
vs

Helen M. Burgess

action for Divorce

Original Petition

Filed July 23 1884

W. S. Boyce
clerk

E. Maynard Burgess, Plff } In the Circuit
against } Court of Jefferson
Helen M. Burgess, Def } County Missouri

Defendant for answer
to the allegations in plaintiff's petition
admits that she was lawfully married
to plaintiff on the 29th day of September
1861. — that she continued to live the
plaintiff as his wife until about
April 8th 1873 — when plaintiff aban-
doned defendant of his own free
will, premeditatedly and without
any even pretended cause in the
State of Illinois

Defendant denies, that
Plaintiff treated her with kindness
and affection, as alleged in
Plaintiff's petition.

Proves that she ~~was~~ at any
time disregarded her duties as
the wife of plaintiff.

Denies that she abandoned
plaintiff for the period of one
year or any other period of time

Defendant for further answers
to plaintiff's petition states, That
the plaintiff wholly disregarded the

marriage vows as the husband of
defendant and offered indignities to
the defendant by continuous words
accompanied with especially contemptuous
demeanor toward defendant; and
defendant being of very sensitive mind
felt with keen anguish the great
indignities aimed by ~~the~~ plaintiff.

Defendant further states that
plaintiff kept voluntary criminal
commerce with other individuals ^{wholly} ~~dis~~
^{disregarding his duties as the husband of defendant} ~~his wife~~, and frequently boasted to
defendant of his extensive intimacies
with public prostitutes, and his mistaken
knowledge of their avocation, and
various other intolerable indignities.

Defendant further states, that
through the over-persuasion of the plaintiff
and his many expressions of tender
endearments, and through the love
and affection this defendant bears
for plaintiff ~~as~~ as the mother
of his children ~~she~~ was persuaded
to come to Jefferson county mo, and did
come, and stay with plaintiff, perform-
ing all the duties as the wife of plaintiff
some time about the month of August 1874
since the filing of plaintiff's petition

which plaintiff promised to dis-
miss - Defendant alleges that
plaintiff has brought this suit with-
out hoping for, or desiring a divorce
from defendant but for the purpose
of giving defendant trouble and
costing reproach on her reputation.

Defendant therefore prays
the court to dismiss the petition
of plaintiff, and render judgment
in behalf of this defendant for
her cost in this suit expended, &c.

James Byrnes,
Attorney for Def.

E. M. Burgess,

vs
H. M. Burgess,

Defts answers
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Filed Dec 11 '78/4

W. J. Burgess