

Jefferson County Circuit Court
Circuit Court - Civil
July Term 1835

Box #

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Benton, Thomas
vs
Benton, Sena

Divorce

Married 1822; desertion 1832

Jefferson County, N.Y.

July Term Circuit Court
1835.

To the Hon William Scott Judge of the
yth Judicial Circuit in the State of New York
this petition of Thomas Burton would respectfully
represent, that in the year 1822
he was married according to law to Maria
Bourne, that you petitioners and the said
Maria lived happily together in the
County of Seneca from their marriage
aforesaid until the 4th of November
in the year 1832, when the said Maria
left the bed and board of your petitioner,
and abandoned him and his home
without any reasonable cause for so doing,
and has continued absent from your
petitioner from thence hitherto without
any reasonable cause, although
he has often requested the said Maria
to return home. Your petitioner therefore
prays, you honor that you would as the
said Maria his said wife has absented
herself from his bed and board without
his consent and without any reasonable
cause for so doing for more than two
years, that your Honor would declare
him from the bonds of matrimony
contracted as aforesaid with the said

live and for such other and further
relief or shall seem meet and proper
for your petition in the premises. And
as in duty bound your petitioner shall
ever pray.

Thomas Benton
Petitioner

I, Susan County Jt. personally appeared before
the undersigned clerk of the ^{County} court and
the said ~~county~~ ^{county} and for the county clerk and
Thomas Benton the above petitioner and
states that the facts set forth and stated in
the annexed petition are true according to the
best knowledge and belief of the said Thomas
and that his complaint is not made out of
envy, or by collusion, nor restrained between
the said Thomas and his said wife Susan
in the mere purpose of being freed, and
separated from each other, but in sincerity and
in truth in the course mentioned in the said
Bill of petition

Thomas ^{his} Benton
Mark

Subscribed and sworn to
before me

Samuel Woodron clerk

State of Missouri }
County of Jefferson } ss

The State of Missouri to the Sheriff of Jefferson County Greeting

You are hereby commanded to Summon Lena Benton if she may be found in your bailiwick, that she be and appear before the Judge of our Circuit Court at the next Term thereof to be held at the Town of Herculaneum, within and for said County on the first Monday of November next, then and there to answer unto Thomas Benton to the within Petition to be freed from the bonds of matrimony And have you then return this writ.

Witness Samuel Woodson Clerk of
our said Circuit Court at Herculaneum

this twenty sixth day of
August in the year Eighteen
hundred and thirty five.

Sam Woodson Clerk

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Thomas Benton
vs
Lease Benton

262

This is a Bill in
Chancery for a claim
O. Lytle
vs
Lease

Filed 26th August 1838
Geo. Woodson Clerk

The within petition and Summons executed by reading
and delivering a true copy of to the within named
Lease Benton on the 17th day of September 1838

J. M. Christian Sheriff

The answer of Miss Benton late Romani to
the bill of complaint of Thomas Benton.

This respondent naming to herself now and
at all times hereafter all manner of benefit
and advantage of exceptions to the manifold
errors, imperfections and inclusions in the said
bill of complaint contained for answer thereto
or to so much thereof as this respondent is
advised it is material and necessary for her
to answer. answering says.

Now it is that in the year one thousand
eight hundred and twenty two a lawful marriage
was had between Thomas Benton Complainant
and this respondent. and that up to the
time mentioned in said bill of complaint she
had lived quietly and happily with complain-
ant. but then and about the time of separation
the said Complainant not regarding his
marriage vows. nor restrained by the common
feeling of humanity. did violently thrust her
this respondent from his house. refusing her
the comfort and protection which as his
lawfully wedded wife was his right. and
that notwithstanding she was always seeking
and anxious to return, yet has he the said
complainant always refused to receive her. And
this respondent further says that always during
her marriage separation with complainant. and
~~before~~ ^{before} and since she has demanded herself
decently and return. and as a good and
affectionate wife, and that notwithstanding this
the said Complainant's violence and inhuman-
ity. she the respondent has not in any
manner been forgetful of her duty as his lawfully
wedded wife; and that the complainant well
knowing her fidelity has without cause thrust her
from him and refuses to receive her again into his
house. And this respondent further states that
it is not by her wish or intention that she
has been separated from the said husband of
the complainant. but by force of his the
said complainant's cruelty and ill treatment
in denying her a home and protection.

without this that any other matter or thing
in the said bill of complaint contained and
not then and truly fully and sufficiently
answered confessed or avowed. Transacted or
demanded is true. And this respondent sheweth
humly prays to be hence dismissed with
~~expenses~~ the costs and charges by her in this behalf
wrongfully sustained. And she will as in
duty bound ever pray &c -

Anna Denton

by her atty

Samuel Rogers.

Jefferson Circuit Court
Term 1835

James Butler

vs

John Butler

Return of John
Butler to his

Filed 3rd Nov 1835.

Sam. Woodson, clk

Very truly
yours
J. W. Woodson

Thomas Benton

vs
Lina Benton

{ Nov Term 1833.-
{ p^{ts} for Divorc.

And the said Thomas Benton complain-
-ant says for ~~cause~~ ~~to the~~ any thing by
the said Lina in her answer in this behalf
above alleged, he ought not to be hindered from
proving his claim as aforesaid, because he says
that the complaint of Lina the said
Thomas in this behalf against said Lina
is true, and that the answer of said
Lina in this behalf is untrue, and of
this he the said Thomas puts himself
upon the court.

J. B. H. att^r
for Benton.

Rev. Benton

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Lucia Benton

affection &
care

Filed 5th Nov. 1833

Sam. Woodson, clk