

Jefferson County Circuit Court
Case Files - Civil
December 1859, No. 39

Box 11 Folder 81

Butts, Frederick

vs.

Butts, Nancy

Divorce

Married 26 November 1857 in
Franklin County; cruelty, adultery

Frederick Butts, - plaintiff

Against

Nancy Butts - defendant

In the Circuit Court
Jefferson County Missouri

Plaintiff states that on the 26th day of November 1837, in the County of Franklin in the State of Missouri, he was lawfully married to the Defendant, that he continued to live with Defendant as her husband until about the 10th day of August 1839, during which time he faithfully discharged all the duties of a husband of Defendant, but that the Defendant disregarding her duties as wife of the Plaintiff, became most excessively quarrelsome and abusive to plaintiff without any provocations whatever. That the Defendant not only carried on a regular system of most intolerable abuse to plaintiff, but that she about the time last stated threatened to take his life, & declared that she would take a gun and blow his brains out, and that she should not

come on the place again, where she lived, or she would shoot him, and that by these threats, fearing that his life was in danger, he was forced to leave her. ~~And~~ Plaintiff states that by this course of conduct Defendant has been guilty of such cruel and barbarous treatment towards Plaintiff as to endanger his life. And Plaintiff further charges, that by the conduct aforesaid the Defendant has offered such indignities to Plaintiff as to render his condition intolerable, ^{and that she has committed adultery since the marriage.}

Plaintiff further states that he has resided one whole year in this state next before the filing of this petition.

The plaintiff therefore for the causes herein alleged prays to be divorced from the bonds of matrimony contracted aforesaid with defendant,

3 Abner Green
3 Attorney for plaintiff
3

This Affiant, the plaintiff, makes oath and says the facts stated in the above petition are true according to the best knowledge and belief of the plaintiff, and that the complaint is

not made out of levity or by collusion
fear or restraint between the
plain'tiff and Defendant, for the mere
purpose of being separated from
each other but in sincerity and
truth for the Causes mentioned in
the petition. Freeback Butts
Subscribed and sworn to
before me this 22nd day of October 1839

J. G. Glaze, Justice of the peace

At the Circuit
for the Circuit
Jefferson County

Shed Smith

to

James Smith

Petition for
divorce

Let the marriage
between A. Green
and wife

doed Oct 24th 1859
Chas J. Henney clerk

2 copies put
25 to ones
from the
over

Fredrick Butts Plaintiff } In the Circuit Court
against } Jefferson County
Nancy Butts Defendant } Missouri

Plaintiff states that on the 26th day of November 1857 in the County of Franklin in the State of Missouri, he was lawfully married to the Defendant, that he continued to live with defendant as her husband, untill about the 10th day of August 1859 during which time he faithfully discharged all the duties of a husband of Defendant; but that the Defendant, disregarding her duties as wife of the Plaintiff became most excessively quarrelsome and abusive to plaintiff without any provocations whatever.

that the Defendant not only carried on a regular system of most intolerable abuse to plaintiff but that she about the time last stated threatened to take his life & declared that she would take a gun and blow his brains out, and that he should not come on the place where she lived or she would shoot him, and that by these threats, fearing that his life was in danger he was forced to leave her. And Plaintiff states that by this course of conduct Defendant, has been guilty of such cruel and barbarous treatment towards plaintiff as to endanger his life. And plaintiff charges that by the conduct aforesaid the Defendant, has offered such indignities to Plaintiff as to endanger his life, And Plaintiff further charges that by the conduct aforesaid the Defendant has offered

Such indignities to Plaintiff as to render his condition intolerable, and that she has committed adultery since the marriage Plaintiff further states, that he has resided one whole year in this State next before the filing of this petition. The Plaintiff therefore for the causes herein alleged prays to be divorced from the bonds of Matrimony contracted aforesaid with defendant.

Abner Green Attorney for Plaintiff

This affiant the plaintiff makes oath and says the facts stated in the above petition are true according to the best knowledge and belief of the plaintiff, and that the complaint is not made out of levity or by collusion fear or restraint, between the plaintiff and defendant, for the mere purpose of being separated from each other, but in sincerity and truth for the causes mentioned in the petition.

Frederick Butts

Subscribed and sworn to before me this 22nd day of October 1859

J. A. Glaze, Justice of the Peace

I have copy of the original petition and affidavit on file in said Cause in my office

Witness my hand and the Seal of said Court at office October 24th 1859
Elias S. Honey Clerk.

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon *Nancy Butts*

if she be found in your County, that she
do and appear before the Hon. Judge of our Circuit Court, on the
first day of the next term thereof, to be begun and held at the town of
Hillsboro, within and for the County of Jefferson, on the second
Monday after the fourth Monday of November
next, then and there to answer unto *Frederick Butts*

upon *his* original petition, a copy whereof is hereto annexed and
accompanies this writ, and have you then there this writ.

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro,* this *Twenty fourth*
day of *October* A. D. 1859

Elias F. Honey

Clerk Circuit Court.

I executed the within writ in the County of Jefferson
State of Missouri by Delivering Nancy Butts A copy of
this writ and annexed petition as furnished me by
the clerk on the 4th day of November AD 1859

Oscar Dover Sheriff

No 29

To Jefferson Circuit Court
December Term 1859

Frederick Butts

v. J. Summers

Nancy Butts

Sheriff fee \$1 00

Filed Nov. 7th 1859
Elias & Honey cut

Decease 6/20
9 ch D

Defendant as to endanger her life, in this, that is to say in drawing a knife on her & threatening to kill her; in putting her forcibly ^{putting} out of her house, & by throwing a rock at her & by otherwise abusing her & also by drawing a stab on her.

Defendant further states that Plaintiff has offered such indignities to the person of Defendant as to render her condition intolerable in this.

by accusing her of infidelity towards him with the crime of adultery ^{has been guilty of & going for} Defendant states that Plaintiff left her bed & board without any just cause or provocation & has refused to live with her.

Defendant states, that at the time of said marriage & during the ^{time} which he lived with Defendant was naturally impotent.

Defendant states further that at the time of their said marriage she was the owner of in her own right of two horses, four milch cows, ^{& calves,} one steer, about ten head of hogs, about fifteen head of sheep, besides household furniture worth in all About \$380. & she has a dower right in the following described real viz: the

of sec. in Town of Pl. Co.
containing one hundred acres of land, but that considerable portion of said personal property has been squandered by Plaintiff leaving in her possession at this time only one horse, 4 head of cattle & three calves 4 head sheep & 6 head of hogs besides household furniture worth in all about \$228
Defendant in consideration of the premises prays the Court to grant her a divorce from the bonds of matrimony hereto

fore contracted as aforesaid, & to vest
all of said personal property in her ab-
solutely to do such other thing as she
may be entitled to.

J. L. Thomas

Att'y for Defendant.

M. Butts makes oath & says that she
believes the above answer & the matters
as therein stated are true.

Sworn to & subscribed }
before me this 11th day } Nancy Butts.
of June 1860.

A. H. Spencer,

Birth
as
Birth

Answer.

Attest June 12th 1868
Geo J Hecney
Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To You Brown Herman Bunker James Bunker
his McCoutney Lewis, Noah Wrie. his brother
GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you
appear before our *Concise* Court for the County aforesaid, on the
19th day of December 1860 at Hillsboro, then and there
to testify, and the truth to say in a certain matter of controversy, now pending in our said
Court, wherein *Frederick Butts* is
Plaintiff and *Henry Butts* is Defendant on the
part of *defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

16th day of *December* A. D. 18*60*

Elias Honey
Clerk.

I executed the within ^{pra} in the County of Jefferson
on ~~James~~ Newman Pounds, Noah Wise by reading to
them and on James Pounds by leaving him a copy of
this ^{pra} on the 28th day of November 1860

Asw^d Dover Sheriff

John Hacker & John M Courtney not found
within my County

to Circuit Court
December Term 1860

Jud Burtho

"
Nancy Burtho

for debt

vs
Jm. Brown
Newman Pounds
James Pounds
Jno M Courtney Sr. & Co
Noah Wise, ^{or 30}
Jno Hacker ^{mon Est}

Sheriff fee \$ 1,50
mon Ests 50
\$ 2,00

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Wm Scott, Thomas Huley, and the Daniel
James Abona have trade*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you
appear before our *Corrick* Court for the County aforesaid, on the
19th day of December 1860 at Hillsboro, then and there
to testify, and the truth to say in a certain matter of controversy, now pending in our said
Court, wherein *Standage & Butts* is
Plaintiff and *Nancy Butts* is Defendant on the
part of *Defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

14th day of *December* A. D. 18*60*

Elias F. Honey

Clerk.

I executed the within Spa in the County of Jefferson
on James Monahan & Mrs Monahan, Thomas Welch
by reading it to them and on John McDaniel by leaving
him a copy at his usual place of abode with the
free white person of the family over the age of
fifteen years

Wm Scott Sheriff

~~Wm~~ Scott not found within my County.

To Circuit Court

Decer, Term 1860

Jed. Butts

"
Anney Butts

for debt

Wm Scott not found

Thomas Welch

Bro McDaniel

James Monahan

Mrs Monahan

Sheriff fee \$2.25

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To, James E. Elger, John W. Hie, Garland Whitworth,
Jesse Whitworth, Mrs. ^{Anna} Wood, Galvin,
Michael Galvin

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you

appear before our

Benjamin

Court for the County aforesaid, on the

18th day of December 1860

at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said

Court, wherein *Frederick Putte*

Plaintiff and *James Putte*

Defendant on the

part of *Plaintiffs*

and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

23^d

day of *December* A. D. 18*60*

Elias Honey

Clerk.

I executed the within ~~Spa~~ in the County of
Jefferson on James G Glaze, Noah Wise, Garland
Whitworth, Betsey Whitworth, Ann Galvin & Michael
Galvin by reading it to them on the 29th day of
November 1860

Asat Doves Sheriff

20 Circuit Court
Decr Term 1860

Jed. Butts

vs

Nancy Butts

for peff

James G Glaze N30

Noah Wise N30

Garland Whitworth N30

Betsy Whitworth N30

Mrs. Ann Galvin N30

Michael Galvin N30

Sheriff fee \$3.00