

Jefferson County Circuit Court
Case Files - Civil

December 1859

Box 12 Folder 5

Boots, Nancy, by next friend
Hacker, John

vs.

Boots, Anderson

Divorce

Married 1857 in Franklin County;
abandonment, abuse; enjoin defendant
from disposing of plaintiff's livestock
and dower in 120 acres; defendant
also Frederick Butts

State of Missouri } In the Jefferson Circuit Court
Jefferson County } December Term for 1839.

Nancy Boots By her Next
Friend, John Hacker

vs-

Anderson Boots

Civil Action.

divorced.

Plaintiff by her next Friend, John Hacker, states that some time in the fall of 1837 she was lawfully married to Defendant in the County of Franklin in the State of Missouri; that Plaintiff continued to live with Defendant as his wife from the time aforesaid till the last of August 1839, when Defendant without any just cause or excuse abandoned Plaintiff & has not since returned and alleges that he will not return to live with Plaintiff; that during all that time Plaintiff faithfully demeaned herself and discharged all her duties as the wife of Defendant and at all times treated him with kindness and affection; but the said Defendant wholly disregarding all his duties as the husband of Plaintiff was at divers times whilst they lived together as aforesaid, guilty of such cruel and barbarous treatment towards Plaintiff as to endanger her life; in this: In thrusting her out of the house, and by drawing deadly weapon upon her & threatening to kill her and by otherwise threatening and mistreating her.

Plaintiff further says that Defendant during the time aforesaid offered such personal indignities to her person as to render condition in life intolerable, in this, by cursing her, and by using indecent and unbecoming language in her presence concerning her and by

accusing her of infidelity towards him.

Plaintiff further states that she has resided within this state for one whole year next preceding the filing of this petition.

Thomas, Atty for Plff

Nancy Boots Plaintiff makes oath & says that 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 collusion fear or constraint between the Plaintiff and Defendant for the mere purpose of being separated from each other but in sincerity and truth for the causes mentioned therein.

Sworn to & subscribed before me

this 19th day of October 1839.

Elias J. Conner clerk

Nancy Boots

1738

Dr Hoffman Circuit Court.

December Term 1839.

Nancy Bonto By Friends
vs

Anderson Bonto

Petition for Divorcement.

Chd

Jud Col 18th 1839

Chas A. Honey
Clerk

2 copies Recd	70
2 cts	100
Wm. H. H. H.	120
Copy 3/4 page	25
apt	20
extra	20

To S. J. Johnston and James McCulloch two of the
Justices of the County Court.

In Vacation.

Your Petitioner Nancy Boots, would respectfully show unto your Honors, that she was in the Fall of 1857 in the County of Franklin Co. lawfully married to one Anderson Boots: that they lived together as husband & wife from that time till about the last of August 1859, when the said Anderson abandoned your said petitioner without any just cause or excuse, & has not since returned & that your said petitioner has instituted in the Jefferson Circuit Court a suit for divorce against the Anderson, for causes ⁱⁿ her petition set forth.

Your petitioner would further represent that when she married the said Anderson Boots she was possessed in her own right the following personal property - to wit - One horse, worth \$85. One mare, worth \$85.00, Ten head of sheep worth, \$15.00, ~~Five~~ ^{Five} head of cattle worth \$70.00, & Eleven head of hogs, worth \$35.00: that she owns at this time the said horse and mare, the said five head of cattle together with three calves the increase of the said five, and about twenty head of sheep worth about \$25.00 and Eleven head of hogs, worth \$35.00, making in all about \$475. worth personal property together with household & kitchen furniture worth about \$40.

Your petitioner would further represent that she is entitled to dower in one hundred & twenty acres of land, which is described as follows,

Town

Rang, East. which she has in right of her first husband: that her dower has never been set off to her; that she occupies the mansion house

that there is in cultivation on said tract of land,
about ~~the~~ Forty acres; that there ~~are~~ ^{is} a crop of
Corn growing on the farm which is not yet gathered
that there are in the stable on said place about 400
bundles of oats.

Your petitioner would respectfully represent
further that the said Anderson having abandoned
her to her own resources, is now 'is about to take pos-
session of ~~all~~ said personal property & to dispose
the same fraudulently for the purpose of convert-
ing the proceeds to his own use & benefit & leave
your petitioner who has four children to sup-
port, destitute of any means whatever.

Your petitioner therefore asks your Honor
to grant her a writ of Injunction against the
said Anderson Boots restraining him from
interfering with or disposing of said property
until a final hearing can be had upon the
same in the Circuit Court.

Nancy Boots

By Her Atty.

Nancy Boots makes oath & says that the above
petition & the matters as therein stated are true
as she verily believes.

Sworn to & subscribed

before ^{me} this ~~22nd~~ day of
Oct. 1839.

Nancy Boots

Nancy Barts
by
A. Barts

Petition for Dispensation

Dated Oct 22 1879
Chas J. Hooney
Clerk

Nancy Boots, By her next
~~Friend~~ Friend
 vs.
 Anderson Boots

Notice of Application for
 Injunction.

To Anderson Boots the above named
 Defendant, You will take notice that I will
 apply for an injunction against you at Hillsboro on
 the 21st day of October 1839, before two of the Justices
 of the County Court of Jefferson County, when
 where you may appear if you see proper.

Nancy Boots
 By her Atty.

I, John McDemil, recited the above notice
 on the 20th day of October 1839 by reading the same
 in the presence of the said Anderson Boots.
 Sworn to and subscribed
 before me this 21st day
 of October 1839.

his
 John McDemil
 clerk

Elias Honey Clerk for Court

Money Bounts &c
or
S. Bounts

Notice of application
for designation.

Dated Oct 22 & 1899

Oliver J. Henry
Clark

Nancy Boots By John Hacker
Her Next Friend,

vs.

Anderson Boots

Bond for Injunction.

We Nancy Boots as principal & John McDaniel as security acknowledge ourselves to owe Anderson Boots the sum of five hundred dollars to which payment well & truly to be made we bind ourselves, our heirs & executors firmly by these presents. To be void, however upon this condition: Whereas, the said Nancy Boots by her Next Friend, John Hacker, is about to sue out a writ of injunction against the said Anderson Boots to restrain him from interfering ^{with} or disposing of the property which she owns in her own right, now if the said Nancy Boots shall well and truly prosecute such injunction with effect and without delay & shall abide the decision which shall be made thereon and pay all sums of money damages and costs that shall be ^{be} adjudged against her if the injunction shall be dissolved, then the above bond shall be void otherwise it shall remain in full force and effect in law.

In witness whereof we have hereto set our hands and affixed our seals this 21st day of October A.D. 1857.

Attest

John L. Thomas,

Nancy Boots (Seal)
John McDaniel (Seal)
mark

Nancy Book
for
Anderson Book

Book.

Andrew

Edmund

James McEllock

B. B. Book Co

Oct 22 2017

Ohio & Honey

etc

Nancy Boots, by her next
 Friend, John Hacker, - plff.
 vs.
 Anderson Boots, - Defendant

In the Circuit
 Court, Jefferson
 County,

Defendant admits he was mar-
 ried to Plaintiff as stated in her petition
 - But he denies that he in August 1839
 abandoned plaintiff without any just
 cause or provocation, - He left her about
 that time, because she had threatened
 to kill him, if he did not leave her,
 that she would burn if he did not leave.
 Defendant denies that he at any time
 since the said marriage was guilty of
 such cruel and barbarous treatment
 towards plaintiff as to endanger her
 life, - either by thrusting her out of
 the house, or by drawing a deadly
 weapon on her, or by threatening to kill
 her, or mistreating or abusing her
 in any manner. - Defendant
 denies that he at any time during
 the marriage, offered such personal
 indignities to wards plaintiff as to
 render her cohabitation intolerable; and
 denies that he used indecent language
 towards her or accused her of infidelity
 towards him.

A. Green, Atty for
 Defendant

Anderson Boots, defendant, makes oath &
 says the above Answer & the matters therein he be-
 lieves to be true.

Travis Booths
 sworn to before me Aug. 1st 1860 Chas W. Honey clk

Fancy Boots
vs,
Shannon Bros

Answer

Filed Aug 27th 1860
Chas S. Hooley
Clerk