

340
283
405

Dorcas M. Ham } Justice How. R. L.
Berry L. Ham } Waddill Judge of the
20th Judicial District
of the State of Texas.

Dorcas M. Ham Complainant of her husband Berry L. Ham. Both residents of the County of Jack & State of Texas. Respectfully shows to your Honor that she intermarried with Defendant in the County of Milam & State of Texas on or about the 21st of 1858. That they lived together as husband and wife for a number of years Petitioner faithfully performing all the duties incumbent on her as a wife until about the 10th of August 1859 when she was driven from her home & took shelter & protection elsewhere.

Petitioner avers that prior to this time Defendant had often times ill-treated her charging with Adultery.

Petitioner alleges & particularly avers cruelly & excessively that some of the frequently used harsh & abusive language toward her is plain & simple. That on or about the ~~10th~~ day of September 1859 and Defendant after using & abusing petitioner with a very violent manner threatened to commit this murder and attempted to put her

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threat into execution but was prevented
 that ^{prior to this} afterwards to wit: on or about the
 day of July - 1859 at the County
 of Jacki of said, Defendant charged
 this Plaintiff with having been guilty of
 the Crime of Adultery with one Mrs
 Lowe, which with the consequent dis-
 trust ^{ers} was the immediate cause of the
 when ~~the~~ ^{the} ~~separation~~ ^{separation} from Defendant ^{which} ~~at~~ ^{at} ~~the~~ ^{the} ~~same~~ ^{same}
 Separation. At which time this Plaintiff
 went to reside in the County of Wise on
 a farm the Community property of this
 Plaintiff & Defendant where she was in
 some measure ^{but not sufficiently} supplied with the
 necessaries of life & permitted to enjoy the
 society of her children. During which time
 Defendant frequently called on her
 under pretence of seeing the children
 and induced this Plaintiff to receive him
 & treat him as a husband & under the vain
 hope that all past differences might
 be healed & she be permitted to live with
 the father of her children in Peace and
 quiet, but said hope Plaintiff says
 that on or about the 1st September 1861
 Defendant came to where this Plaintiff
 was residing & threatened & made demonstra-
 tions towards taking from this Plaintiff
 her children. when she agreed he mig-

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take certain of the larger ones as he proposed to put them to school, but he then declared his determination to take the smaller ones, including the then youngest child of Plaintiff which required her care and attention when this Defendant in the fit of desperation at the prospect of the loss of the society of her children now her only comfort, without really knowing what she did, seized a gun which was near and fired at said Plaintiff.

Plaintiff avers that Defendant then and at divers times since, to wit in the County of Wise, Jack & Parker, charged this Plaintiff ^{with} having committed the crime of adultery. All of which acts & conduct of said Defendant towards this Plaintiff were excesses, cruelties, & outrages of such a nature as to render our living together insupportable, wherefore Plaintiff prays the bonds of matrimony between her & Defendant may be declared null & void and that a Divorce be granted her.

Plaintiff further states that at the time of her marriage with Deft. neither had any property of much value which is now remaining, nor has either one received any property since by gift devise or descent except 640 acres of land given to this Plaintiff by her mother, Fannette Bowen about the

day of 1839 a short time after the marriage 405 acres of which was afterwards disposed of by Defendant leaving 235 acres which is the separate property of this Plaintiff which said land is situated in the County of Midam and state of Texas and was a part of the headright of said Germette Bowen the mother of Plaintiff.

Plaintiff states however that since her marriage with Defendant they have acquired a considerable amount of property, consisting of personal property Lands & Slaves, which is mutual gains, & the Community property of this Plaintiff and said Defendant & is more particularly described as follows to wit. household & kitchen furniture of the value of five hundred Dollars. One waggon & five yokes of Oxen of the value of ~~two hundred fifty~~ Dollars. 800 head of Cattle, consisting of Cows, Calves, heifers, yearlings, Bulls, Steers of various colors & generally marked & crop under half crop in the left ear branded J.H. ^{Part of the value of four thousand five hundred Dollars}
 Also 5 head of Horses of the value of four hundred Dollars - and one Stallion horse of the value of five hundred Dollars

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Also three other tracts, situated in Wise County
 in this the state of Texas. To wit. One of 160 acres
 in the name of Uriah Perkins of the value
 of Six hundred Dollars. One of 160 acres
 in the name of Uriah Perkins. of the value of
 Three hundred & twenty Dollars. & one of
 160 acres in the name of Uriah Perkins
 assignee of ^{Twenty} Carter of the value of Three
 hundred Dollars. Also three other
 tracts in Tarrant County. To wit. one
 of five acres in the name of James Stutes
 of the value of Four hundred Dollars. &
 One of 386 acres in the name of Tom
 Morris of the value of Seven hundred
 Dollars. & One of 75 acres in the name
 of John Milligan of the value of Two
 thousand Dollars. Also two other
 tracts of 640 acres each in Ellis County
 One in the name of John Mott of the
 value of One thousand Dollars and
 the other in the name of Mr. B. Hill of the
 value of One thousand Dollars.
 Also one other tract situated in Tarrant
 County of 376 acres in the name of
 Mr. B. Shackelford of the value of One
 thousand Dollars and one tract
 of 273 acres in the name of Mr. Orin in
 Johnson County of the value of Three

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hundred dollars - All of which
 said slaves are personal property
 to the amount of ~~Twenty~~ ^{one thousand} and six hundred & forty dollars
 are in the possession of the said def-
 endant & have been since the separation
 aforesaid he enjoying the use occupation
 rents & profits of the same while the
 Plaintiff has been driven from her
 home by him and thrown possibly
 upon the cold charities of the world
 notwithstanding she had by her care
 & ~~labor~~ ^{labor} acted in the accumulation
 of the property aforesaid and has become
 indebted for her board & clothing & other
 necessaries - Plaintiff ~~for~~
 states that there are nine children
 the fruits or result of the marriage some
 of whom are married the remaining
 six to wit: two sons & four daughters are
 minors - to wit. Abner Lewis aged 19 years
 Elizabeth aged 14 years - Virginia about
 12 years - Eva aged 9 years - James Tommy
 aged 7 years and C. Belle an infant
 All of whom except the infant aforesaid, the
 said Defendant has taken from your Petition
 and has declared his intention to remove
 the same, and Plaintiff charges that defend-
 ant owing to his conduct and associations
 is not a suitable ^{person} to have charge of said
 children especially ^{the females} he having recently ^{standard}

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5.00
 5.50
 5.00
 5.00
 5.00
 6.00
 5.70
 5.00
 5.00
 6.40

(8)

Therrells Virginia & Ever - While Petitioner
 allleges that she is the mother of said children
 & they need her care attention, & instructions
 Petitioner further states that from the
 fact of Defendant having in his possession
 the muniments of title she is not able, she
 more particularly to describe the Land
 herein before mentioned at present, but
 will be able to do so in proper time, she
 avers that she never was guilty of any of
 the wrongs charged to her by her said husband
 but lived with him a faithful & obedient
 wife, but in consequence of his cruel & outrageous
 conduct to her, she has been forced to leave
 her home, he having declared his intention
 at the time petitioner was confined to her bed
 that she should leave soon as she was able
 to travel, which Petitioner had to do.

Petitioner further states that she fears
 it is the intention of Defendant to dispose of
 Ceneal and remove the Land, slaves & personal
 property herein before mentioned as community
 property during the pendency of this ^{suit} so as to
 deprive her of her just proportion of the same
 & to remove their children so as to deprive her
 of the pleasure of the society of her children
 which are dear to her.

When you please and pray yours
 Mary Therrell

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Honor to make such temporary orders as to
 your Honor may seem just & right, giving
 her the care & control of her children as aforesaid
 And allowing her alimony sufficient for
 her maintenance and support according
 to the amount of community property then
 standing in life - she having no revenue of her
 own - And further that your Honor
 will order an inventory & appraisement
 of the personal estate in possession of said
 Defendant. And that an Injunction
 be granted restraining said Defendant
 from disposing of the same or any part
 thereof in any manner - and also restrain-
 ing him from interfering with or removing
 the children or such portions as shall be
 placed under control of Plaintiff until
 the final termination of this suit. And
 Plaintiff also prays that on final hearing
 a just division of the property may be made
 between her & said Defendant, that she
 may have her separate property & may
 have the children. Confided to her care
 & custody - and for judgment for
 costs - and for general relief

D. Robertson Atty
 for Plaintiff

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(10)

Sh. State of Texas }
County of Jack }

Before me Thos. L. Stanfield Clerk of
the District Court within and for the County
of Jack, this day personally came Dorcas
M. Ham Plaintiff in the foregoing Petition
against B. L. Ham & being duly sworn says the
facts stated in said Petition are true -

Subscribed & sworn to before me this the
17th day of September A.D. 1862.

Thos. L. Stanfield
Clerk of District Court

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[Faint handwritten notes and signatures]

[Faint handwritten text, possibly a transcript or additional notes]

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