

As deciphered from Case File 4226

District Court of Van Buren County Iowa (copy noted as pg 1)

Emerillis KENT VS James KENT

And now this 5th day of September 1862, This court comes on for trial the plaintiff appearing by her attys Webster & Sloan and the defent James KENT makes default. The court finding that the deft has been duly served with notice of the pendency of this action, and now this cause being tried upon the petition and proofs of plaintiff. The court finds that defendant has been guilty of habitual drunkenness, and of inhuman treatment towards the plaintiff as alleged in plaintiffs petition without reasonable cause for the term of five years. It is therefore ordered decreed and adjudged that the bonds of matrimony heretofore existing between plaintiff Ererillis KENT and deft James KENT be forever dissolved and that the plaintiff be restored to all her rights as a — — —, and it is further considered that plaintiff have and recover from defendant the costs of this suit, taxed at and that execution inner therefore and it is further ordered and accreed by the court that the Plfnt Emerillis KENT have the possession and absolute control of the two minor children of the Plff & deft to wit - James Byron KENT aged nine years & Olive Jane KENT aged twelve years as in the petition of plntf deserted and that the said Deft - James KENT be extreped and forever barred from seting up any claim to the right and possession of said minor children.

John L Townsend, Judge

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Emerill's Kent

vs
James Kent

Decree

And now this ^{5th day of September 1862, This cause comes on for trial the plaintiff appearing by her attys Webster & Stover and the defendant James Kent makes defendant. The Court finding that defendant has been duly served with notice of the pendency of this action, and now this cause being tried upon the petition and proofs of plaintiff the court finds that defendant has been guilty of habitual drunkenness, and of inhuman treatment towards plaintiff as alleged in plaintiff's petition and of wilful desertion from ~~except~~ plaintiff without reasonable cause for the term of five years, It is therefore ordered decreed and adjudged that the}

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bonds of matrimony hereto-
fore existing between plaintiff
Emerillas Kent and ~~defendant~~^{James} J.
Kent be forever dissolved
~~and that plaintiff or defendant to all her rights~~
~~as a party shall be~~ It is further considered
that plaintiff have and recover
of defendant the costs
of this suit to exceed a \$
and that execution issue therefrom
and ~~the same~~ ~~and~~ further
finds that the defendant
is incapable of providing
for the said minor, & the
Court finds the Plaintiff
Kent have the possession
and absolute control
of the two minor children
of Mrs. & Mrs. James
Bogdon Kent aged nine
years & a live Jane Kent
aged twelve years as in the
petition of Mrs. Resolved and
that the said Mrs. James
Kent be estopped and for
ever barred from setting up
any claim to the said
and possession of said
minor children.

John D. Gammie
J. D. G.

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This bond of infidelity for habitual drunkenness, inhuman treatment and desertion, and also praying that the posession, full and absolute control of her minor children, be decreed her, and that unless you appear thereto and defend on or before noon of the second day of the next September term of the district court of said county, commencing September 1st, 1802, default will be entered against you and judgment and decree rendered thereon as prayed for in said petition.

WEESTER & SLOAN,
Pltiffs Att'y's.

June 27-4w.

Thurs 28th the District-leaves
3 of Van Buren County Iowa
Thurs September Term 1802

Affidavit of Publication

Now comes, J. Mayne, Editor and Publisher of the Keosauqua Republican a weekly newspaper printed and published in the City of Keosauqua Muscatine County Iowa, and issued weekly and says that the notice here-to-attached, marked, (a) was published in said newspaper for four consecutive weeks, the first publication being on the 27th day of June 1802 and the fourth and last publication being on the 18th day of July 1802

I, mouth, say that the matters and things set forth in the above statement are true J. Mayne Editor

Signed in my presence by
J. Mayne and by him sworn
to before me this day of
August 1802 as witness my
hand and seal notarial

Robert Sloan

Notary Public

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Emerillas Kent - for the District Court
vs 3 of Madison County.
James Kent - 3 September Term 1862

And now comes the Complainant
Emerillas Kent; at the above
entitled court, and makes
affidavit that the deft, James
Kent, is a non resident of the
State, so that personal service
of notice cannot be made
upon the said deft. within
this State, being a resident
of the State of Indiana
as she has been informed
and believes. She therefore
prays and order for the service
of notice by publication upon
the deft. Emerillas Kent

J. Emerillas Kent: on oath
say that the matters and
things set forth in the above
and foregoing affidavit are
true Emerillas Kent

Signed in my presence
Emerillas Kent and
by her sworn to before

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me this 25th day of June 1862
as witness my hand and
seal notarise

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Robert Sloman
Notary Public

J. John A. Miller, Clerk of the
District Court of Van Buren County
Iowa, do hereby order that the
service of notice sought to
be made by publication in
the above entitled case, on
the before named party deft
James Kent, be made by publi-
cation in the Keosauqua
Republican, a weekly newspaper
published in the City of Keosau-
qua. Van Buren County
Iowa, as by law provided
in such cases

Witness my hand June 25th 1862

John A. Miller
Clerk of the District Court
of Van Buren County Iowa

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Emerillas Kent, Stat of Iowa Van
Buren County -
James Kent } In the Des Moines Court
} Sept Term 1862 filed
} Causes & State

Petition for divorce.

In Equity -
Between James & Fannie
Cheney -

That your petitioner Emerillas Kent claims from the defendant James Kent ~~that~~ a divorce from the bonds of Matrimony
and from her first husband
Koriver.

That she and said man married on or about the 5th day of February 1860 in the State of Ohio but from the time of their said marriage up until some time in April or May 1869 they continued to live as man and wife, that Petitioner was her host trying as far as in her power so to do to be unobtrusive, dutiful and affectionate - that she was ever

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ready and willing to do and
always did do the part of a
wife performing in every par-
ticular her marriage duties
towards the said defendant.
But notwithstanding all
this the said defendant had
become and was very prior
to their separation when
transported some time in April
^{or May} 1859 a Maraschino
Withee and unmerciful
husband. In this:

1st That he had prior to the
separation aforesaid become
Guilty of habitual intemper-
ance and drunkenness.

2nd That the said defendant
had and was at the time of
the separation aforesaid
Guilty of such inhuman
treatment as to endanger
the life of the complainant
in this that he had al-
ways abused her since the
time of their marriage. That he
had frequently beat her
with his fist, feet, and

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with sticks or bluejays
and that at short time
prior, and at the time
of the separation aforesaid
the said ~~husband~~ ^{husband} participated
in such a manner with his
fie. fel. and with ~~other~~^{other} as
to endanger her life ^{so} greatly
as to seek a degree that
the marks and cutaneous
produced from the blows
inflicted by ~~him~~ ^{himself} on the
body of complainant were
plainly visible for weeks
no further more ^{so} caught her
by the hair and ~~toss~~ ^{toss} it to
such an extent as to take
almost one ^{third} of it from
her head, all of which occurred
but ~~about~~ ^{less} time prior and
at the time of the separation
aforesaid to me on ~~about~~
or March 1859

3rd That the said ~~husband~~
had ~~himself~~ separated ^{from} himself
without a reasonable cause
for the sum of ~~five~~^{one} ~~five~~ years.
She therefore in view of
the above facts. Prays

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That the relations now existing between them, with the said City and Dept - being that of Husband and wife may be dissolved by order and decree of this Court and that Complainant be reinstated in all the rights of a Plene Dominus that the Bonds of Matrimony now existing between them may be set aside and the Cloud to be no longer of any bearing free or subject she may find prospect of a safe and peaceful and secure of this Court as above set forth. *

2nd Count Complaint for Spous
that there are other children the fruit of the marriage above set forth, namely Oliver James Kent aged twelve years & ^{Family} Lydia Kent aged nine years
Believe Spous that the father of the said Children to wit this defendant is entirely incapable of caring for the children that he has acted the part of

an unnatural father having never at any time called to see said Children since about two weeks ago the last time. I,

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that the relations now existing between them, & that the said Mrs. and step-Kenya
Mist of Haskins and wife
may be released by order
and decree of this Court

* Petition shows to the Court that
she has been a resident of the
State 64 months prior to the
commencement of this suit
and that this application
is not made through fear
or distress or out of any
lenity - but in sincerity and
truth and for the purpose set
forth in the petition.

INSERTED
OVER Pg 9

2nd Count same petition shows
that there are other children
the fruit of the marriage above
set forth, namely Oliver James Kent
aged twelve years & Byron
Kent aged nine years
Petition, shows that the father
of the said children to wit
this defendant is entirely incapable
of caring for the children
that he has acted the part of

an unnatural father
having never at any time called
to see said children since about
two years after the s.s.

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an unnatural father
having now at any time called
to see said Children since a short
time after the separation set
forth in the first count of
this petition. That he has
entirely neglected or provided
for their support a full
before the separation aforesaid
said as ~~said~~ as ~~then~~ ~~that~~ time
that he in Norway or man-
ner seems to care for his children
and further that the said
debt is of ~~less~~ in absolute
habits as to entirely impel
him for leaving the care and
protection of the persons and
lives of the children.
That he has no home but
leads a kind of no great
and idlerant life shifting
from one place to another
That he does not and will
not provide for himself
to say nothing of providing
for his children. In view
of above facts plainer pray
that she be decreed the
possession and control

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absolutely of the said Child
are to me Oliver James Kent
and James ^{James} Brown Kunk
that the Father this day
be estopped by decree of this
Court from setting up any
Claim for the possession
and control of the said
Children and suspends
any action and further
relief that may then
right and proper in all
Courts commenced with
Court may be granted her.

Wm. H. Sloman
Atty for App.

I Emerilla Kent do
hereby swear that the matter
and things set forth in the
above and foregoing petition
are true & Emerilla Kent

Say I
Van Buren Court
I Robert Sloman

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a Notary Public hereby
certify that the above and
foregoing appears and is true
~~and was signed in my presence~~
by James Kent and
by her ~~sworn before me~~ ^{notary}
This 25th day of June 1862
Robert Sloane
Notary Public

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