





of the <sup>doctrine of the</sup> Canon Law in relation to marriage. The  
foppish and quaint conceits indulged by that  
law, with such mysterious reserve for the recipient,  
which its votaries, by it, alone had the right to  
celebrate, to censure, or to dissolve, added to their  
nauseous and repulsive practice of taking Confess-  
ions have ever been a fruitful and never ~~ending~~  
source of domestic strife in all countries that  
have ~~adopted~~ <sup>followed</sup> its precepts. And those funds imper-  
dend and promoted by themselves, they have not  
failed to declare, the accomplishment of the decree  
of divine justice — that a mysterious God was  
then exercising his incomprehensible judgments —  
that he had pronounced a secret malediction  
against the disputants for same, yet undiscover-  
ed sins. &c. &c. Thus their officiousness at the altar  
were continually inventing fresh absurdities for  
their ambition and cupidity to feed upon. And  
thus, the sanctuary of hymen has been polluted by  
the Circumlocution of cant and jargon. But it belongs  
to the present enlightened age to confound the  
declamatory sorceries of false wisdom and hypocris-  
ical piety, and avenge man of his delusions,  
and



and Calumniators. And also, to cast all such im-  
positions into the general mass of antiquated delu-  
sions, as totally inconsistent with the present  
defined state of individual right.

Happy, for Texas, she is as yet untramm-  
eled and unbound by the fetters of precedent.  
What population, is more suited to adopt a  
liberal course than ours? What men, more likely  
to be awakened to habits of correct and independ-  
ent thought, than those who have felt the stim-  
ulating touch of adversity? Texas, can look with  
indifference to the lumbering tomes of ancient  
jurisprudence as inapplicable to the unsophis-  
ticated administration of justice in a com-  
munity of republicans. If she is wise, she will  
look rather to the temper, the habits, and the genius  
of her people, than to the antiquated unpopular,  
and preposterous doctrine of transatlantic judges.  
If she pursues an enlightened and liberal policy,  
she will bring to her bosom, the industrious, the talent-  
ed, <sup>the</sup> independent of all nations. Then shall we  
see cultivated ~~fields~~ <sup>trails</sup>, frequented roads, numerous ~~places~~ <sup>tracks</sup>,  
abundant ~~crops~~, crowded habitations, and enlightened



doctrines of the  
Seminaries of Learning. Which are the solid elements  
that constitute the glory and felicity of man.

But your petitioner deems it not  
necessary to go further into the doctrines or practice  
of the Canon Law, or dwell longer on elementary  
principles, the latter of which he is <sup>confident</sup> ~~satisfied~~ are  
altogether in his favor. He is willing to rest <sup>his</sup> applica-  
tion mainly on the length of time that <sup>has</sup> ~~has~~  
elapsed since the separation. <sup>So conclusively</sup> showing the total  
improbability of a reunion. The counsels of  
the most enlightened Communities now look  
upon the contract of marriage in no other  
light than <sup>as</sup> a Civil Contract. And will conse-  
quently dissolve it, when from some super-  
natural cause it becomes improper or impossible  
for the parties longer to live together. That by  
the laws of most, and your petitioner believes all  
the States of the North, an absence of either  
husband or wife from the other for a certain  
number of years is sufficient to enable either  
to apply for, and obtain a divorce a mensa et  
thoro



~~There~~ or dissolution of the marriage contract. And  
by those of the State of Tennessee when your petition  
was married the time is <sup>fixed at</sup> two years.

Wherefore your petitioner prays the  
premises ~~Considered~~ that your Honor will be  
pleased to order such notice given (Consider-  
ing the situation of the Country) as you may  
think proper, that the said formerly named  
Eliza & Allen may by herself or <sup>her</sup> attorney come  
forward on a day certain, and shew cause  
if any she has, why the said marriage con-  
tract should not be dissolved and a div-  
orce <sup>decree</sup> ~~granted~~ to your petitioner.

And your petitioner prays for  
all such other and further relief which the  
nature of his case may require, and which to  
justice and right may appertain. And your  
petitioner as in duty bound will ever pray.

Samuel Houston  
by L. Harrison  
his agent. Nov 30th 1833.



Alcaldi's Court.  
James Houston's  
Petition for a divorce  
Ex parte

(Filed Nov. Term 1833.)



Free State of Coahuila Texas }  
District of Ayish }

To William McFarland

Esquire Alcade in and for said district:

The petition of Samuel Houston of said district, respectfully represents to your Honor that your petitioner was formerly a citizen of Davidson County, State of Tennessee, one of the United States of the North. That on the eighteenth day of January in the year of our Lord one thousand eight hundred and twenty nine, he intermarried with Miss Eliza H Allen of Summer County in said last mentioned State. That on the fifteenth day of April next thereafter, a separation [sic] took place between your said petitioner and his said wife, and that they have never met Since. Nor, can they ever meet again.

Your petitioner would further beg  
civilized  
leave to represent to your Honor that most Countries have unaccountably adopted much  
of

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doctrine of the  
of the Canon law in relation to marriage. The  
fopperies and quaint conceits indulged by that  
law with such mysterious reverence for the nuptial  
tie, which its votaries, by it, alone had the right to  
celebrate, to censure, or to dissolve, added to their  
nauseous and repulsive practise of taking confessions [sic]  
have ever been a fruitful and never ending  
source of domestic strife in all countries that  
followed  
have ~~adopted~~ its precepts. And those feuds engendered and promoted by themselves, they have not  
failed to declare, the accomplishment of the decrees  
of divine justice -- that a mysterious God was  
then exercising his incomprehensible judgements --  
that he had pronounced a secret malediction  
against the disputants [sic] for some yet undiscovered  
sins & etc. Thus these efficient at the altar  
were continually inventing fresh absurdities for  
their ambition and cupidity to feed upon. And  
thus, the sanctuary of hyman [sic] had been polluted by  
the ceremonial of cant and jargon. But, it belongs  
to the present enlightened age, to confound the  
declamatory sorceries of false wisdom and hypocritical piety, and avenge man of his decisions,  
and



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and calumniators. And also, to cast all such impositions into the general mass of antiquated delusions, as totally inconsistent with the present defined State of individual right.

Happy for Texas, she is as yet untrammelled and unbound by the fetters of precedent. What population, is more suited to adopt a liberal cause than ours? What men, more likely to be awakened to habits of correct and independent thought, than those who have felt the Stimulating touch of adversity? Texas, can look with indifference to the lumbering tomes of ancient jurisprudence as inapplicable to the unsophisticated administration of justice in a community of republicans. If she is wise, she will look rather to the temper, the habits, and the genius [sic] of his people than to the antiquated unpopular, and preposterous doctrine of transatlantic judges. If she pursues an enlightened and liberal policy, she will bring to her bosom, the industrious, the talen

the  
high minded  
^

ted, & the independent of all nations. Then shall we see cultivated farms, frequented roads, numerous <sup>stocks</sup> ~~(110000)~~ abundant crops, crowded habitations, and enlightened

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seminaries of learning. Which are the solid elements, that constitute the glory and felicity of man.

But your petitioner deems it not necessary to go further into the doctrines of practise of the Canon law, or dwell longer on elementary [sic]

principles, the latter of which he is ~~satisfied~~ <sup>confident</sup> are altogether in his favor. He is willing to rest <sup>his</sup> application mainly on the length of time that has

As conclusively elapsed since the separation [sic]. Showing the total improbability of a reunion. The lawgivers of the most enlightened communities now look upon the contract of marriage in no other light than <sup>as</sup> a civil contract. And will consequently dissolve it, when from some supervenient cause it becomes improper or impossible for the parties longer to live together. That by the laws of most, and your petitioner believes all



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the states of the North, An absence of either husband or wife from the other, for a certain number of years is sufficient to enable either to apply for, and obtain a divorce a mensa et thora

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thora, or dissolution of the marriage contract. And by those of the State of Tennessee when your petition fixed at  
er was married the time ^ is two years.

Wherefore your petitioner prays the premises considered that your Honor will be pleased to order such notice given (considering the situation of the country) as you may think proper, that the said formerly married Elisa H Allen may by herself or <sup>her</sup> attorney come forward on a day certain, and shew cause if any she has, why the said marriage contract should not be dissolved and a divorce decreed to your petitioner.  
~~granted~~

And your petitioner prays for all such other and further relief which the nature of his case may require, and which to justice and right may appertain. And your petitioner as in duty bound will ever pray.

Samuel Houston  
by G. Harrison  
his agent. Nov 30<sup>th</sup>, 1833

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Alcade's Court.  
Samuel Houston's  
Petition for a divorce  
Esparte  
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