

Free State of Coahuila & Texas B.
District of Ayala

To William McFarland
Eccentric Steele in and for said district:

The petition of Samuel Hauston
of said district, respectfully represents to your
Honour, 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
and eight hundred and twenty nine, he interm
arried with Miss: Eliza A. Allen of Limestone County
in said last mentioned State. That on the fifteen
th day of April next thenceafter, a separation
took place between your said petitioner and his
said wife, and that they have never since lived
together, nor can they ever meet again.

Your petitioner would further beg
leave to represent to your Honour, that most
enthusiastic unmercifully adopted much of

of the ^{doctrine of the} Canon law in relation to marriage. The
foppish and quaint conceits indulged by that
law, with such mysterious reverence for the minister,
which its votaries, by it, alone had the right to
celebrate, to curate, or to dispense, added to their
mysterious and impulsive practice of taking Confession
have ever been a fruitful and never failing
source of domestic strife in all countries that
~~have~~ ^{followed} its precepts. And those few who
desire 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 judgment —
that he had pronounced a secret malediction
against the disperter for sancto, yet undiscov-
ed sins. &c. &c. Thus their officiants at the altar
were continually inventing fresh absurdities for
their ambition and cupidity to feed upon and
thus, the sanctuary of human has been polluted by
the Ciromanist of cant and jargon. But, it belongs
to the present enlightened age, to confound the
declaratory forcings of false wisdom and hypo-
critical party, and arrange man of his delusions,

and Calumniators. And also, to cast all such imputations into the general mass of antiquated delusions, as totally inconsistent with the present defined state of individual rights.

Happy for Texas, she is as yet untrammeled and unhampered 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 of her people, than to the antiquated unpopular, and preposterous doctrine of transatlantic judges. If she pursues an enlightened and liberal policy, ^{the} ~~high~~ ^{mind} she will bring to her bosom, the industries, the talents, & the independence of all nations. Then shall we see cultivated farms, frequented roads, numerous ^{stocks} flocks, abundant crops, crowded habitations, and enlightened

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

But your petitioners desire it not
necessary to go further into the doctrine of practice
of the canon law, or dwell longer on elementary
principles, the latter of which he is ^{confident} ~~satisfied~~ ^{his} are
altogether in his favor. He is willing to rest ^{upon} application ^{of} ~~of~~ conclusively
clapsed since the separation. Having the total
improbability of a reunion. The laughters of
the most enlightened communists now look
upon the contract of marriage in no other
light than ^{as} a civil contract. And will concur
quently declare it, when from some superme
nient cause it becomes improper or impossible
for the parties longer to live together. That by
the law of most, and your petitioners believe 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 make either
to apply for, and obtain a divorce ^a ~~and~~ ^{thorough}

thence, or dissolution of the marriage contract, and
by those of the State of Tennessee when your petition
or was married, the time is ^{fixed at} 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 married
 Eliza & Allen may by herself or ^{her} 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 di-
 vorce ^{decreed} 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. Garrison

his agent. Nov 30th, 1833.

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Alcaldi's Cause
James Huston'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 thou
sand eight hundred and twenty nine, he interm
arried with Miss Eliza H Allen of Sumner County
in said last mentioned State. That on the fifteen
th 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
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leave to represent to your Honor that most Co
untries 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 confiss [sic]
ions have ever been a fruitful and never ending
source of domestic strife in all countries that
followed

have ~~adopted~~ its precepts. And those feuds engen
dered 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 disputents [sic] for some ~~yet~~ undiscover
ed sins & etc. Thus these efficients 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 hypo
critical piety, and avenge man of his decisions,
and

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 untrammeled 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 genious [sic] of his people than to the antiquated unpopular, and preposterous doctrine of transatlantic judges. If she pursues an enlightened and liberal policy,

the high minded

ted, & the independent of all nations. Then shall we see cultivated farms, frequented roads, numerous ^{stocks} ~~blocks~~ abundant crops, crowded habitations, and enlightened

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 elemenary [sic] confident principles, the latter of which he is ~~satisfied~~ are altogether in his favor. He is willing to rest his application mainly on the length of time that has

As conclusively elapsed since the seperation [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 as a civil contract. And will consequently dissolve it, when from some supervening 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

(page 5)

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 ~~her~~ 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.

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 30th, 1833

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Alcade's Court.
Samuel Houston's
Petition for a divorce
Esparte
(Filed Nov. Term 1833)