

Tracing Women in Your Family Tree

*Class 2: Legal Rights of Women
in America*

Rhonda R. McClure, Senior Genealogist

THE BRUE FAMILY LEARNING CENTER



American Ancestors®
by NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY

Meet today's presenter



Rhonda R. McClure
Senior Genealogist

OVERVIEW

- **Presentation (60 mins.)**
 - Resources
 - Legal terms
 - Records
- **Q&A (30 mins.)**

What About the Women?

- Women exist in records, but often overlooked
- Usually appear in relationship to men in their lives
- Limited in what they could own
- Guardianship not a given of minor children at death of husband
- Citizenship until 1922 often based on their husband

A Woman Before Her Time

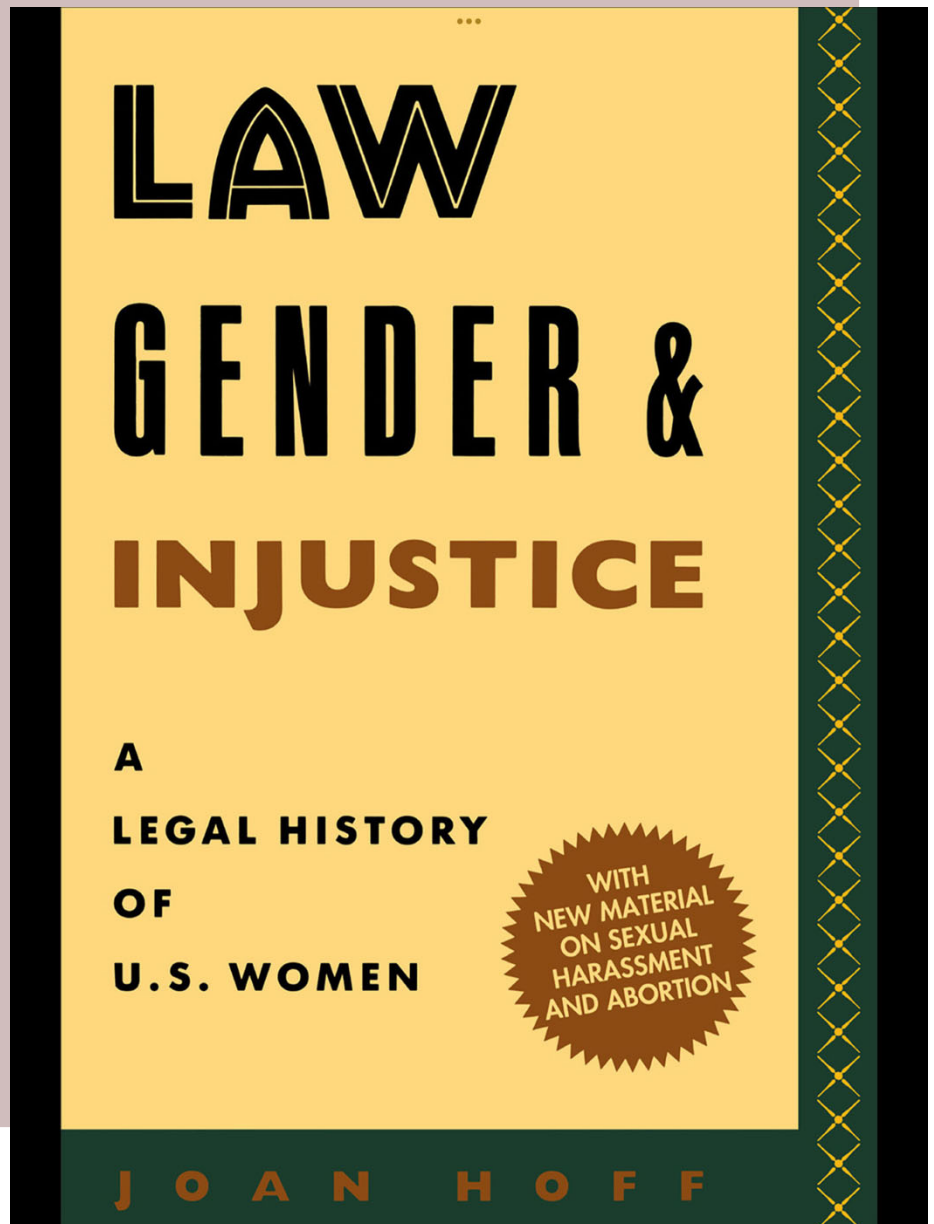


- In 1783, she was not permitted to possess cash or other personal property
- She owned a mercantile
- She encouraged her husband to “remember the ladies” when forming the new government

Resources

Resource

- By Joan Hoff
- In depth examination of the legal history of U.S. women
- Chapters examine law and women chronologically



Women and Property

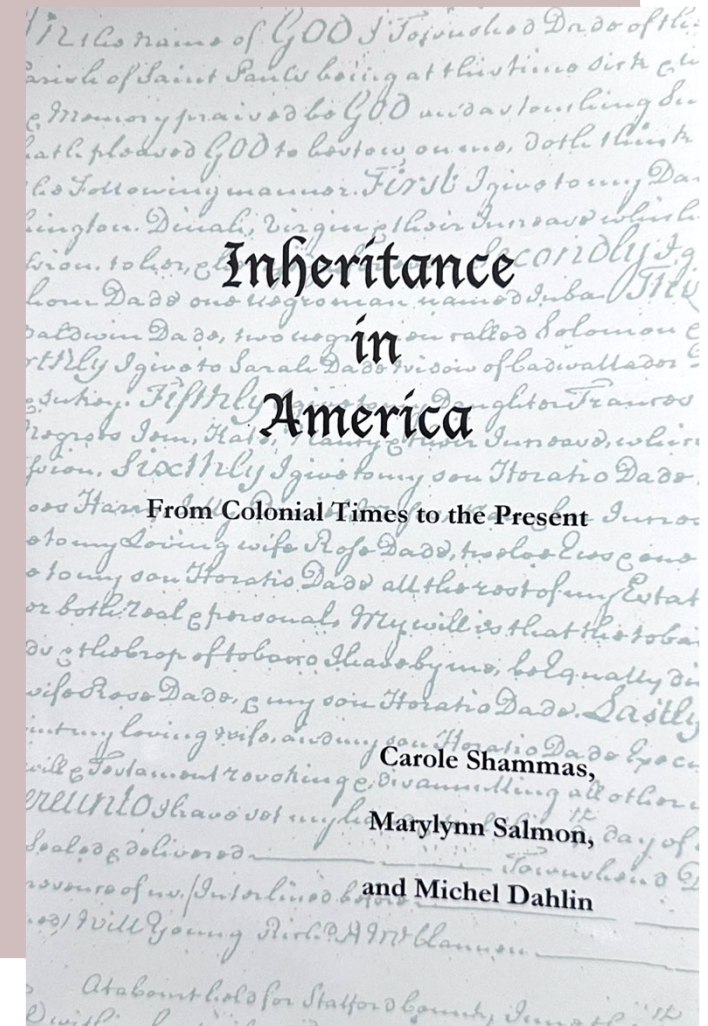
- By Marylynn Salmon
- Offers chapters on various situations involving property
- Includes a chapter on divorce and separation



WOMEN
AND THE LAW OF
PROPERTY
IN EARLY AMERICA
BY MARYLYNN SALMON

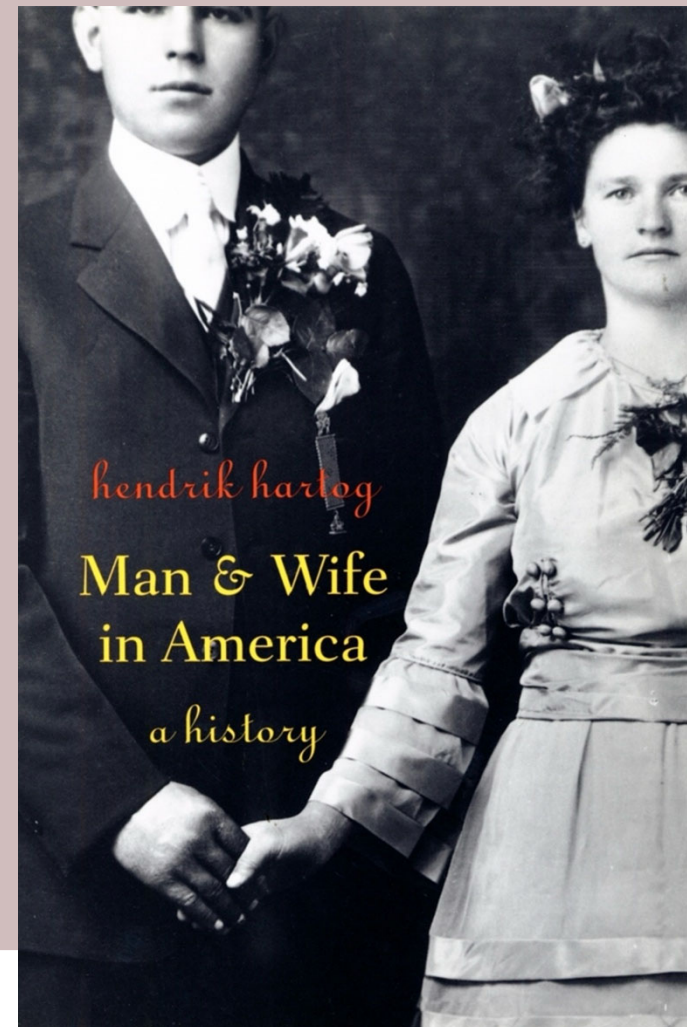
Inheritance

- By Carole Shammass, Marylynn Salmon, and Michel Dahlin
- Two important chapters focus on women:
 - 2: Colonial Testamentary Practice and Family Capitalism
 - 4: Inheritance Law and the Rights of Women and Children in the Nineteenth Century



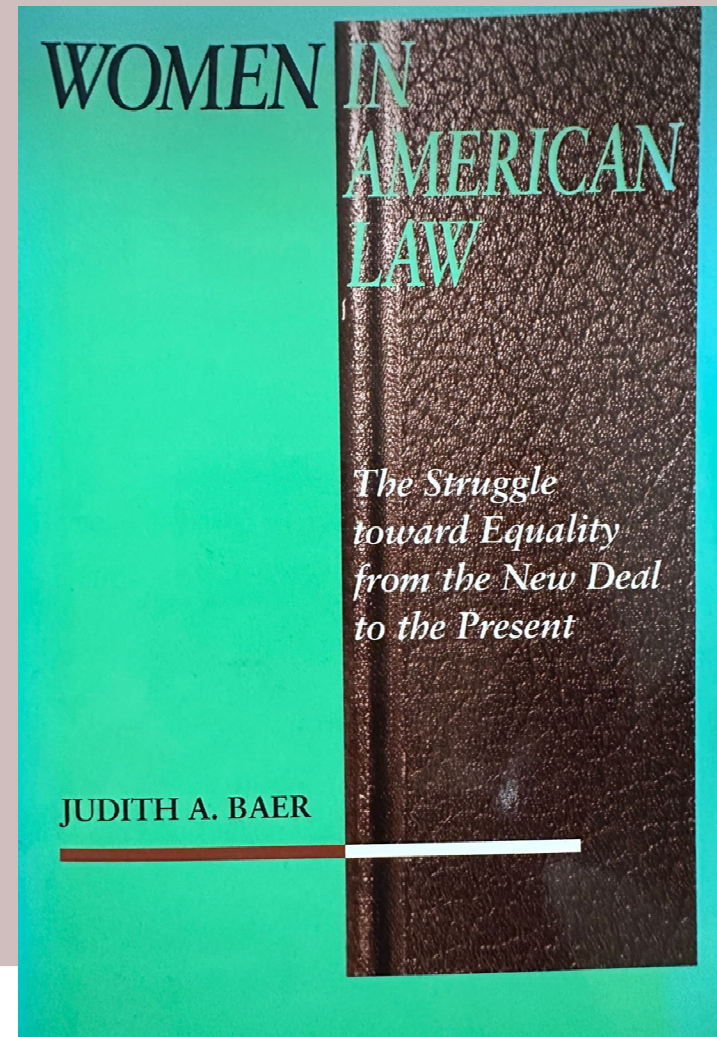
Divorce

- By Hendrik Hartog
- Ten chapters
- Focuses on 19th Century
- Chapter 10 looks at coverture after the passage of women's property acts

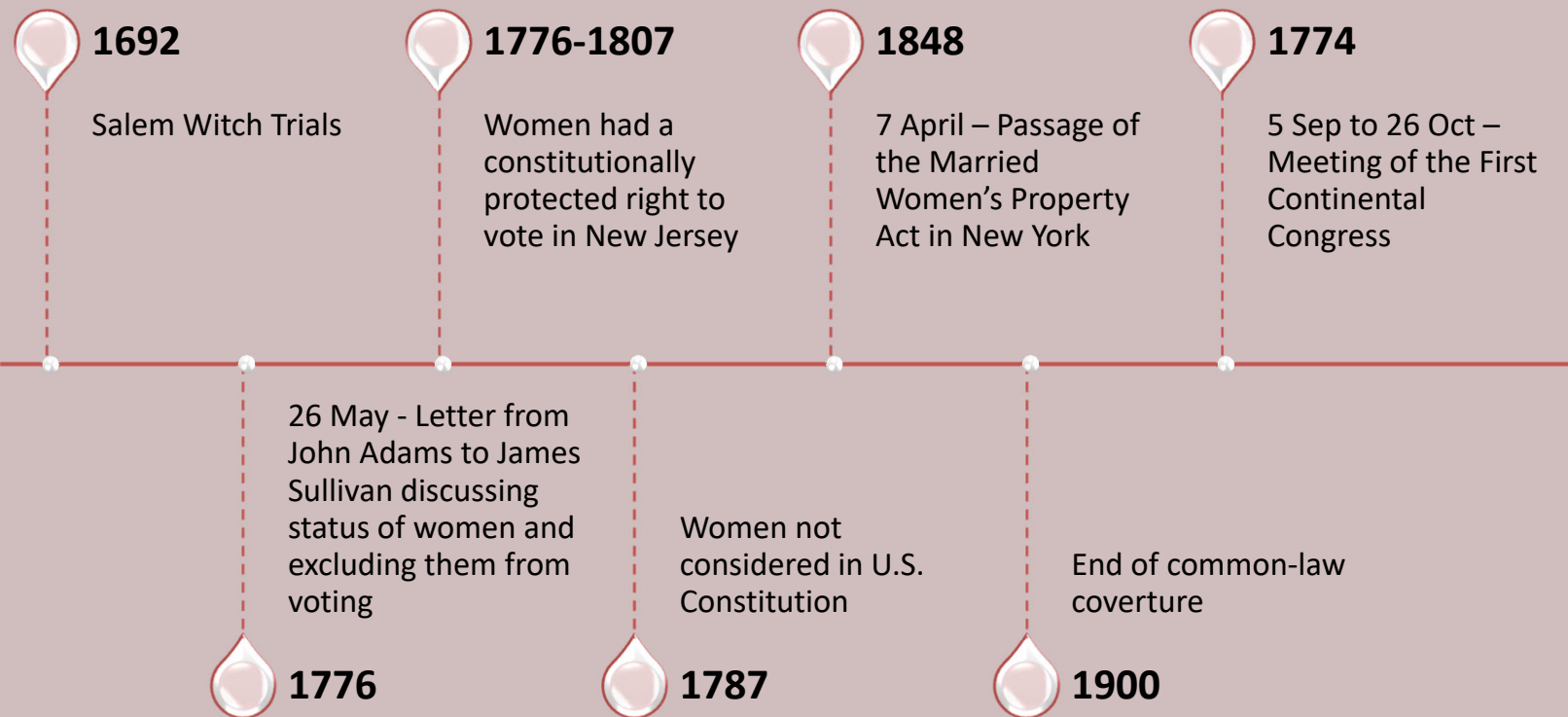


20th Century

- By Judith A. Baer
- Eight chapters
- Chapter 2 offers a look at the history of women and the Constitution before looking at the New Deal
- Offers a Research Guide to published court cases



Historical Context



Legal Terms

Feme Covert

- By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least incorporated and consolidated into that of the husband: under whose wing, protection, and *cover*, she performs everything....
 - William Blackstone
 - *Commentaries on the Laws of England*

Coverture

- The legal status of a married woman, considered under her husband's protection and authority
- Coverture gave all the power to the husband

Feme Sole

- A single woman functioned on a legal par with men in property rights
- Separate Estate – by inheritance, dower, marriage contract

Divorce A Vinculo Matrimonii

- Divorce “from the chain of matrimony”
- A total divorce of husband and wife, dissolving the marriage tie, and releasing the parties wholly from their matrimonial obligations
- Parties may remarry
- Involves the courts

Divorce A Mensa Et Thoro

- Divorce “from bed and board”
- Partial divorce that legally separates a married couple, prohibiting them from cohabitating
- Does not dissolve the marriage bond itself
- Parties may not remarry

Dower

- The provision which the law makes for a widow out of the lands or tenements of her husband for her support and the nurture of her children.
 - *Black's Law Dictionary*
- Ensured her a “life estate” in one-third of the husband's real property (if there were children) and one-half (if no children)
- Upon the widow's death, the lands went either to the husband's heirs or his creditors

Probate Records

Probate Records

- Inheritance
- Dower from husband
- Guardianship

Inheritance

- Women often were entitled to their inheritance only until their death or remarriage (the result of coverture)
- Before 1774, only 10% of women had enough property to probate

Funeral charges are fully paid & satisfied, I give,
Bequeath the same as follows - That is to say
I Give and Bequeath to my Brother
Elijah Ayer, of Nova Scotia, Miller
son Millings Lawful Wary, in full for his Portion of all
my said Estate,
I Give and Bequeath to my Beloved &
Lawful Wife Chloe, all the Rest & Residue of my said
Estate, whensoever & wherefore, the same shall or may be
found, to be entirely for her own Comfort, & at her own disposal,
without any hindrance, Disturbance, or Molestation, from
any person, or persons Whatsoever; Nothing Excepted or
Reserved, And I hereby Constitute and

Obadiah Ayer, 1778, Will

my spirit to God who gave it 2nd I wish all my honest debts to be paid. 3rd I will to my
 wife Lydia one horse saddle & bridle my Cutter & harness two cows & fifteen sheep and
 all the things that she brot when she came to to live with me together with all her
 wearing apparrel and allso one half of all the bed and bedding that she has made
 since she has lived with me and allso five notes against Leonard Ganno which
 he gave to my wife Lydia 4th I will to my son Ira five shilling. 5th I will to my
 son Eri my best suit of floaths & a pair of two year old steers 6th I will to my
 other Children Viz. Duclana Samuel Cloe Hezia John Martha Esther & Althea ~
 all the rest of my estate to be equally devided except my sermon book great
 Bible & red chest with drawers which I will as follows the sermon book to Samue
 el the great Bible to John & the red chest with drawers to Hezia And I make and
 ordain my sons Samuel & John soal Executors of this my last will in trust for
 the intent and purposes contained In Witnefs whereof I have hearunto set my
 hand and seal this third day of January in the year of our Lord one thousand
 eight hundred and thirteen John Howe Esq. Signed & sealed in presence of

John Howe, 1813, Will

I find in my two sons William and John and Elizabeth Snow my daughter the following described tracts of land Situate in said County of Shoshone the North West quarter of the South East quarter of Section Ten in Township 22 North of Range 120 East of the third principal Meridian Containing Forty acres also the East half of the North East quarter of the North West quarter of Section Eleven Township 22 North of Range 120 East of the third principal Meridian Containing Seventy acres to be equally divided among them Twenty acres to each.

Fourth: I also give devise and bequeath to my beloved wife Martha Snow, all the live stock, horses, cattle, sheep, hogs and by the owned and also all the household furniture and other articles of property not herein enumerated or otherwise disposed of in this will as long as she remains my widow after having disposed of a sufficient amount to pay and discharge the expenses and debts aforesaid, and that at her death all the property aforesaid to her bequeathed or so much thereof as may remain undistributed to her four children, Charles B. Snow, Sarah Addine Snow, Thomas Richard Snow, Joseph Franklin Snow.

And lastly I hereby empower my wife Martha Snow to execute and execute of this my last Will and Testament and ratifying and confirming this

Charles B. Snow, 1871, Will

Dower from Husband

- Massachusetts and Connecticut began restricting dower interests during 18th century
- Some Mid-Atlantic colonies and South Carolina created chancery (equity) courts and were more generous with dower allocations
- Pennsylvania honored limited dower rights
- By 1790s Pennsylvania placed creditors above rights of married women

Guardianships

- Appointed for minors
- A father may be appointed guardian if his children inherit from his deceased wife's family
- Mothers were appointed, but it wasn't a given

The Condition of this Obligation is such, That if the
 above-bounden *Timothy Thornhill* Nominated and Allowed to be
 Guardian unto *John Ayres* a Minor *aged about 15*
years son of Edward Ayres late of Boston
 late of *Boston* in the County of *Suffolk* *Shirlington* Deceased, shall
 and do well and truly perform and discharge the Trust and Office of Guardian
 unto the said Minor, and that in and by all Things according to Law; And
 shall render a plain and true Accompt of *his* said Guardianship upon Oath,
 and all and singular such Estate as shall come to *his* Hands and Possession by
 Virtue thereof, and of the Profits and Improvements of the same, so far as the Law
 will charge *him* therewith (when *he* shall be thereunto lawfully
 required) and shall pay and deliver what and so much of the said Estate as shall be
 found remaining upon *his* Accompt, (the same being first Examined and
 Allowed of by the Judge or Judges, for the time being, of the Probate of Wills, &c.
 within the County of *Suffolk* — aforesaid) unto the said Minor when *he*
 shall arrive at full Age; or otherwise as the said Judge or Judges by his or their
 Decree or Sentence pursuant to Law shall Limit and Appoint: Then this Obligation
 to be Void, otherwise to remain in full Force.

Signed, Sealed and Delivered

John Ayres, Guardianship, 1748



QUESTIONS?

Land Records

Land Records

- Release of Dower
- Deeds with family members
 - Estate settlements
- Agreements (prenups)

Release of Dower

- The reason that married men's wives are listed in deeds on land they are selling
- A separate paragraph stating the wife swears she was not coerced in selling
- But remember how much the woman relied on her husband

2662

E. Emery, Printer and Blank Book Manufacturer, Peoria, Ill.

REVENUE
STAMP

TO THE AMOUNT OF

50

ON THIS

DEED.

This Indenture, Made this thirty-first day of October in the year of
 our Lord one thousand eight hundred and sixty seven BETWEEN Benjamin P
Stauderfer and Patsy Stauderfer his wife of Douglas County
Illinois of the first part, and
Thomas Fulton of Monroe Co Ill of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Twenty
\$20 Dollars in hand paid by the said party
 of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED AND SOLD, and by these presents do
 GRANT, BARGAIN AND SELL unto the said party of the second part, their heirs and assigns, all the following described lot
 piece, or parcel of land, situated in mathew creek in the County of Monroe and State of Illinois, to wit:

The undivided one eleventh part of the North West quarter of Section No. 33 in Township No. fourteen North, Range Six (6) East of 3^d P.M., the same being the entire interest of inheritance held by said Patsy Stauderfer in said NW 1/4 NW 1/4 33.14.6, which is a part of the Real Estate of which Thomas Fulton Sr. did die seized, and was upon Petition for partition set off as Dower to Elizabeth Fulton, widow of said Thomas Fulton died, and remains subject to her Dower right so long as she may live which said incumbrance is to be fully recognized in this Deed.

Benjamin & Patsy Standerfer, 1869

the said party of the second part Benjamin H. Standerfer heirs and assigns FOREVER. And the said Benjamin H. Standerfer party of the first part, hereby expressly waive, release and relinquish unto the said party of the second part, his heirs, executors, administrators and assigns, all right, title, claim, interest and benefit whatever, in and to the above described premises, and each and every part thereof, which is given by or results from all laws of this State pertaining to the exemption of homesteads.

And the said Benjamin H. Standerfer party of the first part, for himself heirs, executors, and administrators, do covenant, grant, bargain and agree, to and with the said party of the second part his heirs and assigns, that at the time of the enrolling and delivery of these presents, they are well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in law, and in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances, of what kind or nature soever, and the above bargained premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

In Testimony Whereof, The said party of the first part have hereunto set their hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Benjamin H. Standerfer 
Patsy Standerfer 


STATE OF ILLINOIS, }
Douglas COUNTY. } ss.

I, L. C. Taylor a Justice of the Peace in and for said County in the State aforesaid, do hereby certify that Benjamin H. Standerfer and Patsy Standerfer who are personally known to me as the same person whose name Patsy Standerfer subscribed to the annexed Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument in writing as their free and voluntary act, for the uses and purposes therein set forth.

And the said Patsy Standerfer wife of the said Benjamin H. Standerfer having been by me examined separate and apart and out of the hearing of her husband, and the contents and meaning of the said instrument of writing having been by me fully made known and explained to her; and she also by me being fully informed of her rights under the Homestead Laws of this State, acknowledged that she had freely and voluntarily executed the same, and relinquished her own interest dower to the lands and tenements therein mentioned, and also all her rights and advantages under and by virtue of all laws of this State relating to the Exemption of Homesteads, without compulsion of her said husband, and that she does not wish to retract the same.

Given under my hand and seal, this 27 day of November A. D., 1867.

L. C. Taylor J.P. 

Filed for Record on the 18 day of Nov. A. D. 1867, at 9 o'clock, A. M.

J. H. Waggoner RECORDER.

Benjamin & Patsy Standerfer, 1869

Bentley and John A. Made for and in consideration of the sum of three hundred
 and ten dollars to the said George Bentley in hand paid and twenty four
 dollars & 62 1/2 cents to the said John A. Made in hand paid the receipt where-
 of is hereby respectively acknowledged by the said Bentley & Made, they the said
 George Bentley and John A. Made have bargained and sold out by these presents
 to each of them bargain sold and confirm unto the said Patrick Henry he his heirs
 all their undivided rights and interest in a certain tract of land situate lying
 and being in the County of Henrico, Virginia containing by estimate more or less
 hundred and fifty seven acres more or less and bounded by the lands of said
 Mrs. John Dismukes William Miller and others being the tract of land which
 the Mary Made used by her father George Bentley and she in life time conveyed
 under William Miller's name. And that the said Patrick Henry he his heirs
 Made used under the will of her deceased husband as a son & heir of said Mary

Halifax Co., Va. Deeds, v. 41, p.373

1831 This Indenture made and Entered into this 1st day of April 1831 between
 Edmund Butler of the one part and Polly Hunt of the other part both
 of the County of Montgomery and State of Kentucky, witnesseth That
 Whereas there is Shally a marriage intended to be held and solemnized
 between the above named Edmund Butler and Polly Hunt and
 it is agreed between the said Edmund Butler and Polly Hunt
 that they are to use and enjoy and occupy each others property respectively, during
 their natural lives and at the death of the said Edmund Butler if he should
 die first the said Polly Hunt is to have and enjoy the Property she
 has now at this time, both real and personal, and also she is to have
 the one third part ~~part~~ of the said Edmund Butlers estate both real and
 personal, at the time of his death, to have and to hold the said one
 third of his said Estate during her natural life, and it is agreed
 that the said one third shall at her death descend, and belong to the children
 and heirs of the said Edmund Butler and it is further agreed between
 the parties to this Indenture that in case the said Polly Hunt
 should die before the said Edmund Butler, then and in that
 case the said Edmund Butler is not to have any title to the estate
 which the said Polly Hunt may have, or which she has at this time.

Edmund Butler & Polly Hunt, 1831

Married Women's Property Act of 1848

- Passed by the Senate and Assembly of the State of New York, 7 April 1848
- Established protection for any real or personal property she owned at time of marriage
- Allowed her to receive by gift, grant devise or bequest from someone other than her husband as if she were a single female

Married Women's Property Laws

- An answer to life in “the rapidly expanding and industrializing nineteenth-century United States”
- Dower had failed women in this period
- States began to rectify with the passage of laws that treated married women as if they were single
- Rather ad hoc as each state could chose how to address the situation

SOUTHERN LAW REVIEW

VOL. VI., N. S.] ST. LOUIS, DECEMBER, 1880. [NUMBER 5.

MODERN LEGISLATION TOUCHING MARITAL PROPERTY RIGHTS.

The foregoing article was originally prepared for and read before the American Social Science Association, and we are indebted to the courtesy of the writer for permission to publish it in the REVIEW, in advance of its regular publication in the "Proceedings." Its treatment of the subject is not, nor was designed to be, as practical as if it had been prepared for these pages. But we have long desired to present to our readers an acceptable discussion of the property rights of married women, and this paper exhibits so clearly and simply the evolution of the modern *legislation* on that subject, that it serves as an admirable introduction to the more practical consideration of the work of the courts on this problem, in an article now in preparation, which we hope to publish in our next number. — [ED. SOUTH. L. REV.]

During more than thirty years past the several States of this Union—some earlier, some later, now with hesitating steps, again with innovating boldness—have been legislating upon the subject of property rights under and as affected by the marriage relation. In no less than fifteen States this topic has been thought to deserve a place among the provisions of their Constitutions, beginning with the Constitution of California adopted in 1849.

The Southern Law Review, 1880

Divorce

Divorce

- Are civil court cases
- Usually they are found at the county level
- Older records may no longer be at the county courthouse
- Difference between bound volumes and case files
- May require searching indexes, dockets, and finding aids

Types of Divorce in Early Years

- Divorce A Vinculo Matrimonii – total divorce that allows both parties to remarry
- Divorce A Mensa Et Thoro – allows the couple to live separately, but neither may remarry
- Desertion – often the husband would “go west,” deny having been married, and remarry (*legal divorce often only if the deserted wife wishes to remarry*)

The Husband

- Once married, the husband owned and controlled most of what the wife may have had
- Likewise, he was responsible for her and any debts she had (*coverture*)
- In the 17th and 18th centuries she could not purchase things like stocks or land on her own, separate from her husband

Querists, and sold by B. Franklin. Price eight Pence.

WHEREAS Mary, Wife of Charles Robinson, of New-Castle County, hath eloped from her said husband and persists in it: These are to forwarn all persons not to credit or deal with the said Mary on her husband's account, for he will not pay any debts contracted by her after the date hereof. And likewise these are to forwarn any persons buying any thing of the said Mary belonging to her said husband, which she has now in possession and clandestinely conceals.

June 4. 1741. Charles Robinson.

IUST IMPORTED.

Elopement

Divorcing Parties

- Libelant: The petitioner or plaintiff in the divorce; the one seeking the divorce
- Respondent: The other spouse

Courts

- Chancery Court
- Circuit Court
- Court of Common Pleas
- District Court
- Family Court
- Law and Equity Court
- Probate Court
- Superior Court



Reasons for Divorce

- Cruelty (not available in all states)
- Abandonment
- Adultery
- Felony
- No-Fault divorce
 - 1969: California adopts first no-fault law
 - 2010: New York last state to adopt no-fault law

Abandonment/Desertion

- One or the other spouse has left
- Often it is the husband
- Sought if the remaining spouse wishes to remarry

Suffolk Co., Mass. Supreme Judicial Court Docket

Montgomery 3rd / Nancy J. Hicks v. Joseph A. D. Hicks
Libel
24
" Divorce a vinculo. custody of the child Zorilda Adams
decreed to the libellant. J.

Divorce a vinculo = Complete
divorce (allowing parties to
remarry)

The couple had a child,
Zorilda Adams Hicks, and she
was to be in the custody of
Nancy J. Hicks

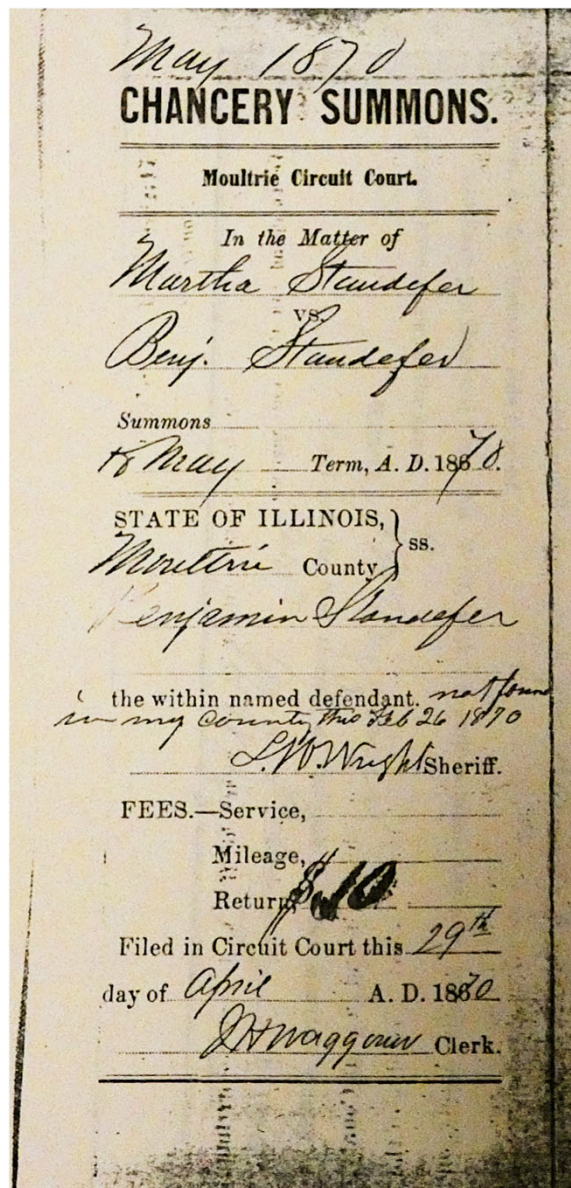
Nancy J. Hicks of Boston

to said Joseph A & Hicks in Roxbury in the County of
 Norfolk & Commonwealth of Massachusetts on or about
 the first day of December A & eighteen hundred
 thirty four that they resided together as man and wife
 for the space of about three years during which
 period your libellant conducted herself towards him
 as a chaste and faithful wife and has ever
 since been ready and willing to discharge all
 the duties imposed upon her by her marriage vows
 but the said Joseph A & Hicks neglecting his
 marriage vows and duty has willfully and utterly
 deserted your libellant for the term of five
 years and upwards consecutively and without
 the consent of your libellant wherefore your
 libellant prays that the bonds of matrimony
 may be dissolved between herself and the said

Nancy J. Hicks of Boston

Adultery

- Required proof
- Cases may include depositions from those who knew of the adultery
- In the 20th century, photos were often supplied
- May have been “fake” as a way to get the divorce



May Term A. D. 1870, of the
 Moultrie Co. Circuit Court.
 STATE OF ILLINOIS, }
 Moultrie County, } ss. *clerk*
 Martha Standefer, } Bill for Di-
 vs } vorce.
 Benjamin Standefer }
 Satisfactory Affidavit having been filed
 in my office showing the non residence of
 Benjamin Standefer, the defendant in the
 above entitled case.
 Notice is therefore hereby given, to you
 the said Benjamin Standefer, that a bill
 for divorce, has been filed in our said
 Court against you by Martha Standefer,
 and that a summons has been issued there-
 on returnable to said Term of said Court
 which summons has been returned by the
 Sheriff, Defendant not found in the coun-
 ty. Now therefore if you the said Benja-
 min Standefer, shall not personally be and
 appear at the next Term of the Circuit
 Court of said county, on the first day
 thereof to be holden in the Court House
 in Sullivan on the second Tuesday of May
 A. D. 1870, and plead answer or demur, to
 said Bill, the allegations thereof will be
 taken for confessed as against you, and a
 Decree will be entered accordingly.
 J.H. WAGGONER Clerk. L. S.
 A B LEE, Sol's. for Pet.
 vol 13—no 15

Standerfer vs Standerfer

your oratrix, would further show
unto your Hon. that, since, the said marriage
of your oratrix to the said Benjamin Standerfer
that the said Benjamin Standerfer, has been
guilty of the crime of Adultery, with a
Woman named Mollie Seran, at the
County aforesaid, and also, that the said Ben-
jamin Standerfer, has at other times
~~and~~ since the marriage aforesaid, been
guilty of the crime of Adultery, with

Standerfer vs. Standerfer

Cruelty

- Not recognized in every state
- Was not always filed by the wife

Ballow, T. C. et al	vs. Coleman, Mary A. et al
Bacon, M. S. et al	vs. Sarah & Elizabeth Wilhoit
Breeding, Rachel-----Guardianship	
Battley, James N.-----Guardianship	
Bennett, Robert H. Admr.	vs McMahon & Brown
Barlow, Alice R.-----Guardianship	
Brown, Edmond	vs Barksdale F. Admr
Barlow, Florence and Light-----Guardianship	
Bell, David ----Estate	
Byans, Harriet-----Estate	
Bailey, Wm. S -----Estate	
Barksdale, Fountain Admr	vs Gould, R. H. Admr
Boaz, Fennesseø	vs Boaz, Saml. F.
Brown, Agnes & husband	vs Jones, W. H et al
Bunch. Martha et al	vs Shannon. Wm. H et al

Madison Co., Mississippi

Plaintiff: *Minerva Battle*

Defendant: *Turner Battle*

Docket Book: *No. 1*

Case File: *1689*

Index to Docket

1689

State of Mississippi
Madison County

In Chancery Court of
said County do January
Term thereof 1878.

Minnerva Battle
vs
Turner Battle

To the Hon. E. C. Peyton
Chancellor of the Chancery
District of the State of Mississippi
Your Oratory Minnerva
Battle a resident of Madison
County Miss. would respect-
fully show unto your
Honor that her maiden
name was Minnerva
Smith; that on the day
of January 1871 she was
married to her present
husband Turner Battle
at said County of Hinds
by George Whitfield a Justice of
the Peace of said County of Hinds.
Your Oratory would further
show that soon after her
said marriage her said

husband Turner Battle com-
menced a course of cruel
& inhuman treatment
towards her often striking
beating & kicking her
without cause or provoca-
tion; which said treatment
of your Oratory on the part
of her said husband was
habitual from the time
it commenced until
she was compelled with her
infant child to abandon
his bed & board about the
1st day of September 1876

Your Oratory would further
show that for several months
prior to leaving her said
husband he neglected to
provide sufficient food
& clothing for herself &
her infant child, after
leaving them without
food for several days at
a time, although he was
at the time able to furnish
her with necessary food
& clothing if he desired so

Case File 1689 – Complaint

In this case, the libelant is Rufus H. Bailey, who is seeking the divorce.

The case is: Extreme Cruelty

Bailey vs. Bailey

Record of Divorce.

Husband's name in full

Rufus H. Bailey

Wife's name in full

Mina W. Bailey

Residence Windham

Date of Marriage Dec. 17, 1885

Place of Marriage Tewksbury, Mass.,

Sex of Libelant Male

Date of Divorce May 27, 1905.

Cause Extreme Cruelty

The State of New Hampshire.

Rockingham ss. Superior Court.

I certify that the above record is correct.

C. H. Knight
Clerk.

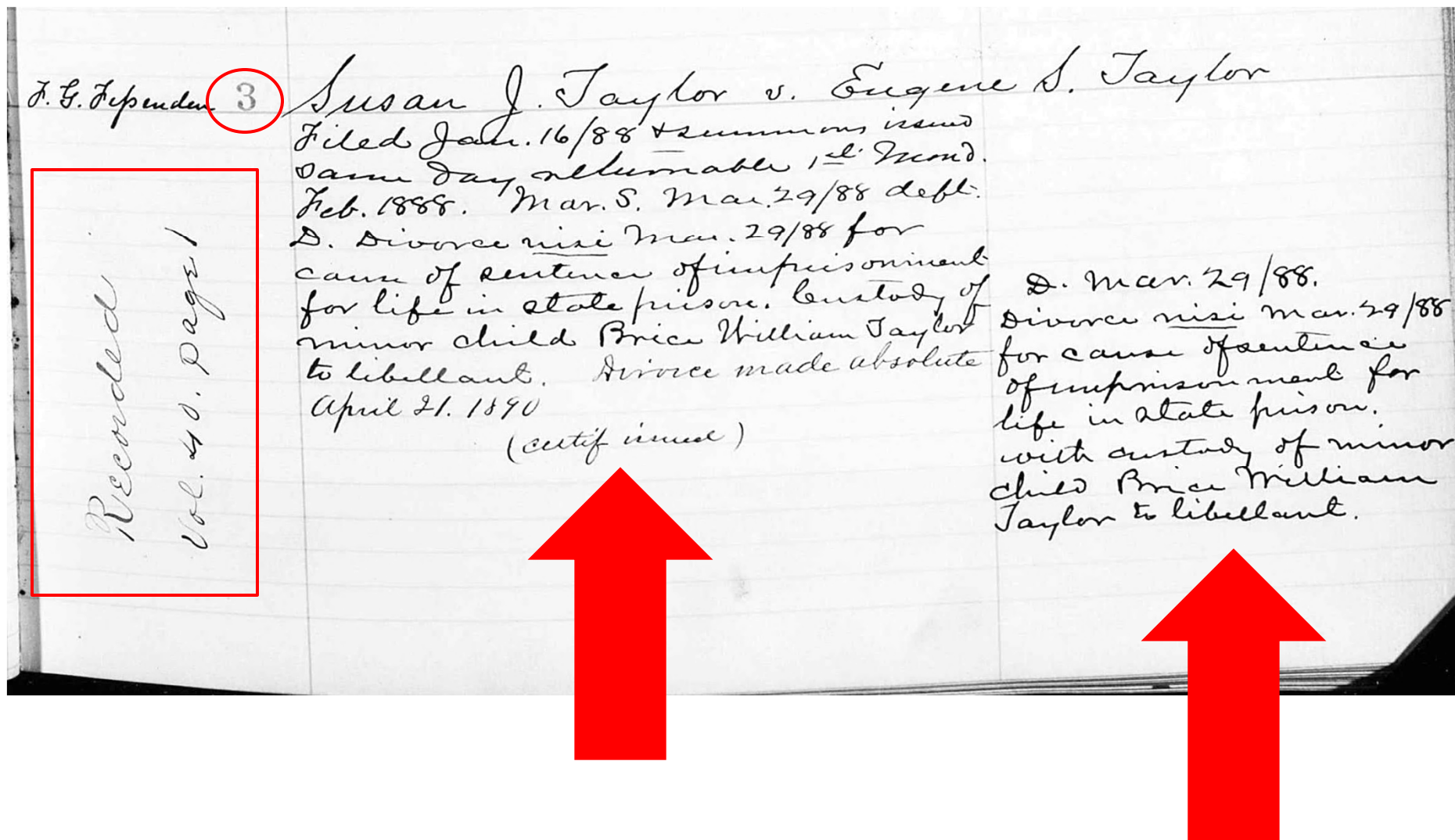
Date May 29, 1905

... of Massachusetts, on the 17th day of December, 1885, by a minister of the Gospel, and that he has always behaved as a dutiful and faithful husband. Yet, the said Mina P. Bailey, wholly regardless of her married covenant and duty, is, and for a long time has been, guilty of extreme cruelty to the said libellant, and on divers days and times, viz; on to wit; the 17th day of August, 1889, at Windham, aforesaid, struck your libellant with her fists and committed other brutal and unprovoked assaults upon him. And your libellant further says that on, to wit; January 2, 1900 at Windham, aforesaid, she also struck your libellant in the face with her fists; And your libellant further says that on, to wit; November 3d, 1903, she attempted an assault on your libellant with an Oak chair, and, only for his interfering and taking the chair from her, he would have received a very severe and

Bailey vs. Bailey

Felony

- Carry with them a much longer prison sentence
- Could include:
 - Aggravated assault
 - Armed robbery
 - Tax evasion
 - Kidnapping
 - Murder



Docket Book – Franklin Co., Mass.

Susan J. Taylor of Deerfield in the County of Franklin,
 libellant for divorce against Eugene S. Taylor, her husband
 of said Deerfield, libellee.

"To the Honorable the Justices of the Superior Court, at Green-
 field within and for the County of Franklin

Humbly shews Susan J. Taylor of Deerfield in said County
that she was lawfully married to Eugene S. Taylor now of
Deerfield aforesaid, at Morris in the County of Chester and
State of New York, on the seventh day of September A.D. 1882,
that they have since lived together as husband and wife in
Deerfield aforesaid, except about four months from November
1, 1882, until March 1883, and she has ever conducted towards
Eugene S. Taylor, regardless of his marriage vows and obli-
gations, on the twenty fifth day of October A.D. 1886, at Green-
field in said County by the Supreme Judicial Court holden
for said County was convicted of the crime of murder (in the
second degree) of his son George Eugene Taylor, and was then
sentenced by the consideration and sentence of the Justices
of the Supreme Judicial Court then holden at Greenfield
in and for said County of Franklin, to be punished by im-

1
 No 3
 Susan J. Taylor
 v
 Eugene S. Taylor

Court Minutes



QUESTIONS?

**Overview**[Annotation](#)**Opinions**[Opinions & Dissents](#)**Materials**[Oral Arguments](#)[Copy Citation](#)**Reed v. Reed, 404 U.S. 71 (1971)**

A mandatory provision of the Idaho probate code that gives preference to men over women when persons of the same entitlement class apply for appointment as administrator of a decedent's estate is based solely on a discrimination prohibited by and therefore violative of the Equal Protection Clause of the Fourteenth Amendment.

93 Idaho 511, 465 P.2d 635, reversed and remanded.

BURGER, C.J., delivered the opinion for a unanimous Court.

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

Richard Lynn Reed, a minor, died intestate in Ada County, Idaho, on March 29, 1967. His adoptive parents, who had separated sometime prior to his death, are the parties to this appeal. Approximately seven months after Richard's death, his mother, appellant Sally Reed, filed a petition in the Probate Court of Ada County,

[Page 404 U. S. 72](#)

seeking appointment as administratrix of her son's estate. [\[Footnote 1\]](#) Prior to the date set for a hearing on the mother's petition, appellee Cecil Reed, the father of the decedent, filed a competing petition seeking to have himself appointed administrator of the son's estate. The probate court held a joint hearing on the two petitions and thereafter ordered that letters of administration be issued to appellee Cecil Reed upon his taking the oath and filing the bond required by law. The court treated §§ 15-312 and 15-314 of the Idaho Code as the controlling statutes, and read those sections as compelling a preference for Cecil Reed because he was a male.

Section 15-312 [\[Footnote 2\]](#) designates the persons who are entitled to administer the estate of one who dies intestate. In making these designations, that section lists 11 classes of persons who are so entitled, and provides, in substance,

<https://supreme.justia.com/cases/federal/us/404/71/>

Overview[Annotation](#)**Opinions**[Opinions & Dissents](#)**Materials**[Oral Arguments](#)[Copy Citation](#)**Orr v. Orr, 440 U.S. 268 (1979)****440 U.S. 268***APPEAL FROM THE COURT OF CIVIL APPEALS OF ALABAMA**Syllabus*

Following a stipulation between appellant husband and appellee wife, in which appellant agreed to pay appellee alimony, an Alabama court, acting pursuant to state alimony statutes under which husbands, but not wives, may be required to pay alimony upon divorce, ordered appellant to make monthly alimony payments. Some two years thereafter, appellee filed a petition seeking to have appellant adjudged in contempt for failing to maintain the alimony payments. At the hearing on the petition appellant, though not claiming that he was entitled to an alimony award from appellee, made the contention (advanced for the first time in that proceeding) that the Alabama statutes, by virtue of their reliance on a gender-based classification, violated the Equal Protection Clause of the Fourteenth Amendment. The trial court, ruling adversely to appellant on that issue, entered judgment against him, which was affirmed on appeal.

Held:

1. This Court has jurisdiction over appellant's appeal. Pp. 440 U. S. 271-278.

(a) Appellant's failure to ask for alimony for himself does not deprive him of standing to attack the constitutionality of the Alabama statutes for underinclusiveness. That attack holds the only promise of relief from the burden deriving from the challenged statutes, and appellant has therefore

"alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which th[is] court so largely depends for illumination of difficult constitutional questions."

Baker v. Carr, 369 U. S. 186, 369 U. S. 204. Pp. 440 U. S. 271-273.

<https://supreme.justia.com/cases/federal/us/440/268/>

Overview

Opinions

[Opinions & Dissents](#)

Materials

[Oral Arguments](#)[Copy Citation](#)

Stanton v. Stanton, 421 U.S. 7 (1975)

Decided April 15, 1975

421 U.S. 7

Syllabus

When appellant wife and appellee husband were divorced in Utah in 1960, the decree, incorporating the parties' stipulation, ordered appellee to make monthly payments to appellant for the support of the parties' children, a daughter, then age seven, and a son, then age five. Subsequently, when the daughter became 18, appellee discontinued payments for her support, and the divorce court, pursuant to a Utah statute which provides that the period of minority for males extends to age 21 and for females to age 18, denied appellant's motion for support of the daughter for the period after she attained 18. On appeal the Utah Supreme Court affirmed, rejecting appellant's contention, *inter alia*, that the statute violated the Equal Protection Clause of the Fourteenth Amendment.

Held:

1. The support issue is not rendered moot by the fact that appellant and the daughter are now both over 21, since, if appellee is obligated by the divorce decree to support the daughter between ages 18 and 21, there is an amount past due and owing. Nor does appellant lack standing because she is not of the age group affected by the statute; another statute obligates her to support the daughter to age 21. Pp. 421 U. S. 11-12.
2. In the context of child support, the classification effectuated by the challenged statute denies the equal protection of the laws, as guaranteed by the Fourteenth Amendment. *Reed v. Reed*, 404 U. S. 71. Notwithstanding the "old notions" cited by the state court, that it is the man's primary responsibility to provide a home, that it is salutary for him to have education and training before he assumes that responsibility, and that females tend to mature and marry earlier than males, there is nothing rational in the statutory distinction between males and females which, when related to the divorce decree, results in appellee's liability for support for the daughter only to age 18, but for the son to age 21, thus imposing

<https://supreme.justia.com/cases/federal/us/421/7/>

Overview

Opinions

[Opinions & Dissents](#)

Materials

[Oral Arguments](#)[Copy Citation](#)

Kirchberg v. Feenstra, 450 U.S. 455 (1981)

Syllabus

In 1974, the husband of appellee Feenstra (hereafter appellee), without her knowledge, executed a mortgage on their jointly owned home as security on the husband's promissory note to appellant. The husband executed the mortgage pursuant to a now superseded Louisiana statute (Art. 2404) that gave a husband the unilateral right to dispose of jointly owned community property without his spouse's consent. In 1976, after appellee refused to pay her husband's note, appellant commenced foreclosure proceedings and instituted the instant action in Federal District Court for declaratory relief. Appellee asserted a counterclaim challenging the constitutionality of Art. 2404, and Louisiana and its Governor were joined as third-party defendants on the counterclaim. The District Court granted the State's motion for summary judgment. While appellee's appeal to the Court of Appeals was pending, Louisiana completely revised its community property code provisions so as to grant spouses equal control over the disposition of such property. Because the new code did not take effect until January 1, 1980, it did not control the mortgage executed by appellee's husband. The Court of Appeals held that Art. 2404 violated the Equal Protection Clause of the Fourteenth Amendment, but limited its decision to prospective application because the ruling "would create a substantial hardship with respect to property rights and obligations within the State of Louisiana."

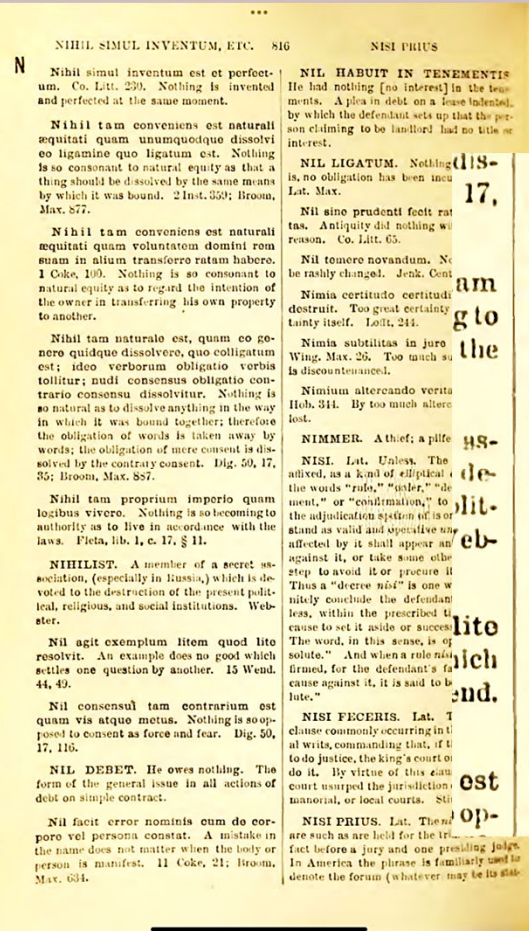
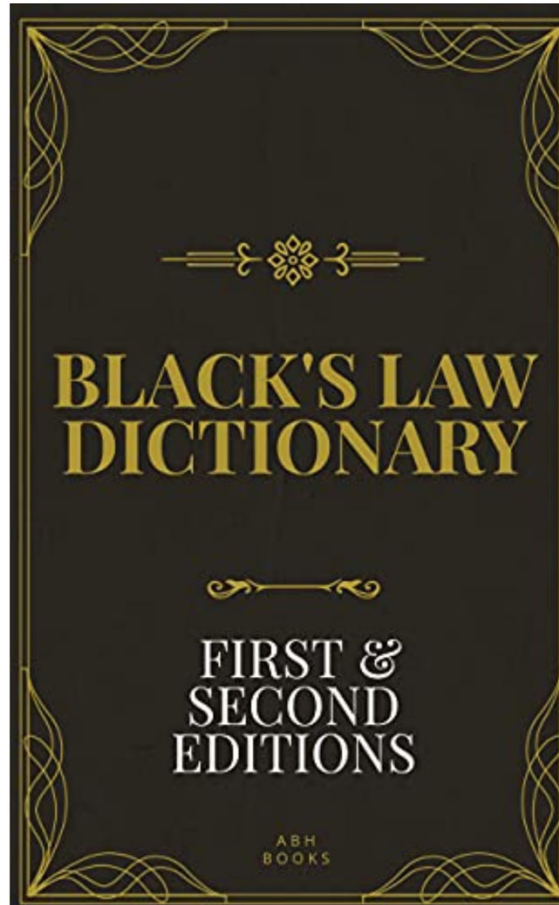
Held:

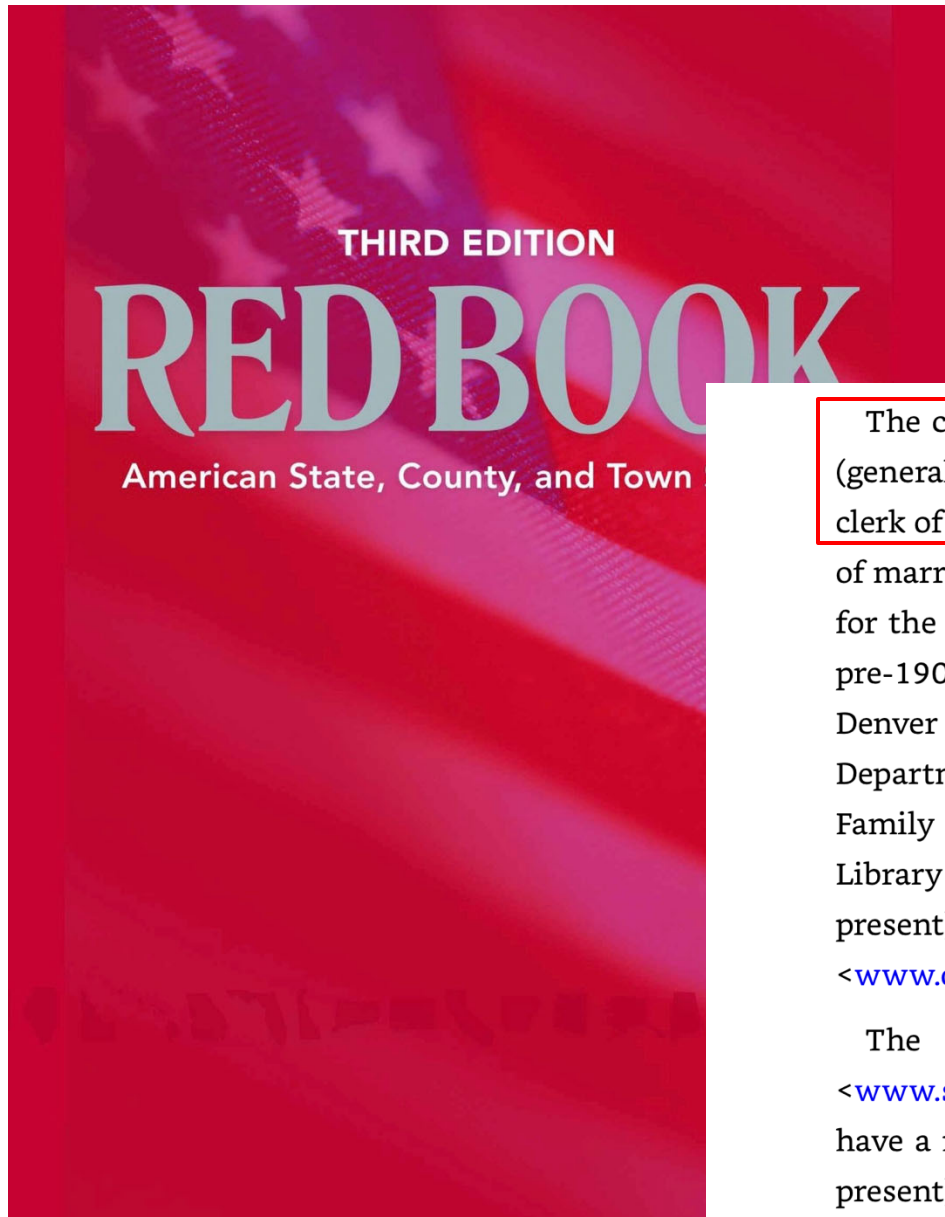
1. Article 2404 violated the Equal Protection Clause. Gender-based discrimination is unconstitutional absent a showing that the classification substantially furthers an important governmental interest, and it is immaterial that, under the earlier statutory provisions, appellee could have made a "declaration by authentic act" prohibiting her husband from executing a mortgage on her home without her consent. The "absence of an insurmountable barrier" will not redeem an otherwise unconstitutionally discriminatory law. *Trimble v. Gordon*, 430 U. S. 762, 430 U. S. 774. Because appellant has failed to offer any justification for the challenged classification, and because the State, by declining to appeal from the decision below, has apparently abandoned any claim that

<https://supreme.justia.com/cases/federal/us/450/455/>

Finding & Understanding Divorce Records

Black's Law Dictionary





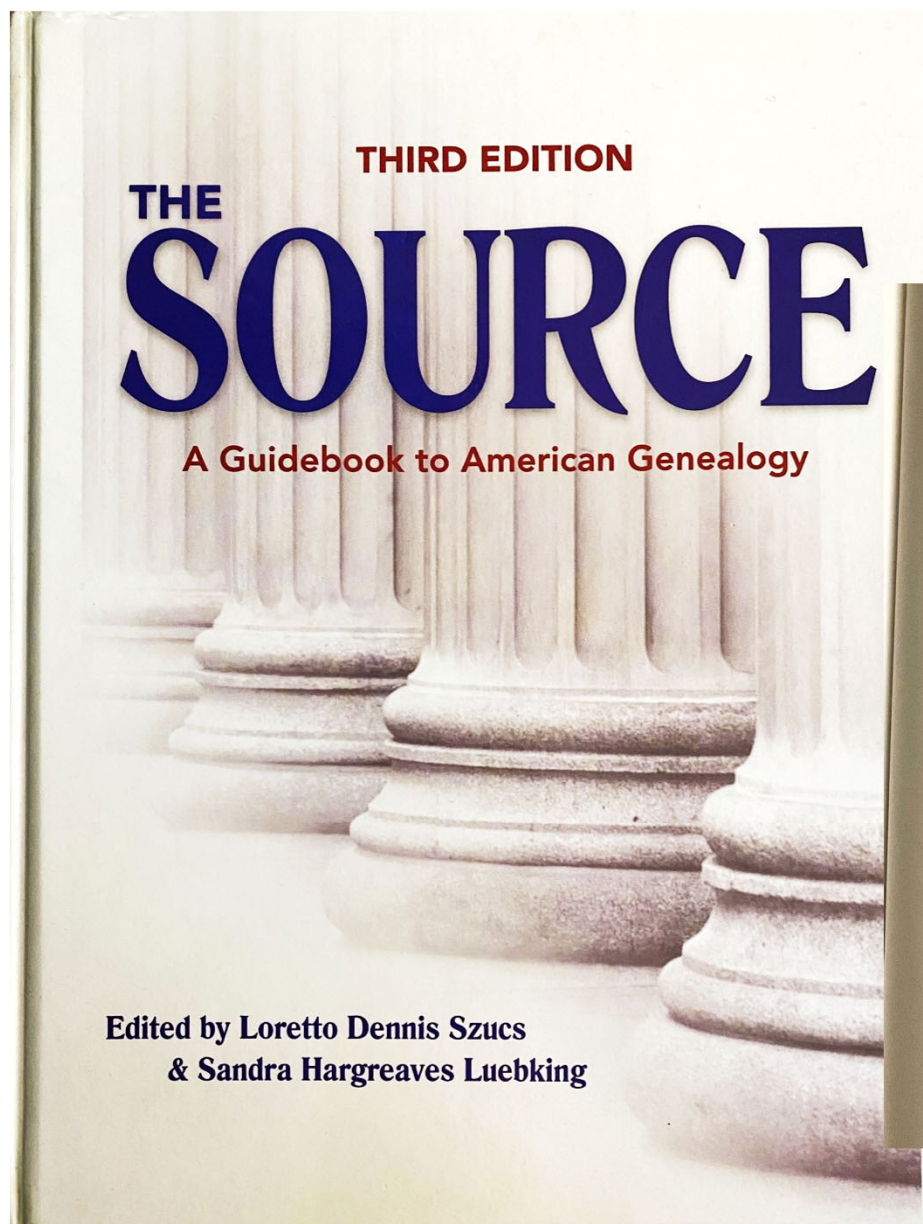
Colorado

The county's clerk and recorder maintains marriage records (generally available from the early days of the county), and the clerk of the district court holds divorce records. A statewide list

of marriages and divorces indexed by name of the groom exists for the years 1900 through 1939 (with one quarter of entries pre-1900) and is located at the Colorado State Archives and Denver Public Library—Western History and Genealogy Department (see Archives, Libraries, and Societies) and the Family History Library (FHL) in Salt Lake City. Denver Public Library has an online version of the marriage index (1975-present) that will include brides as well as grooms at www.denverlibrary.org/research/genealogy/index.html.

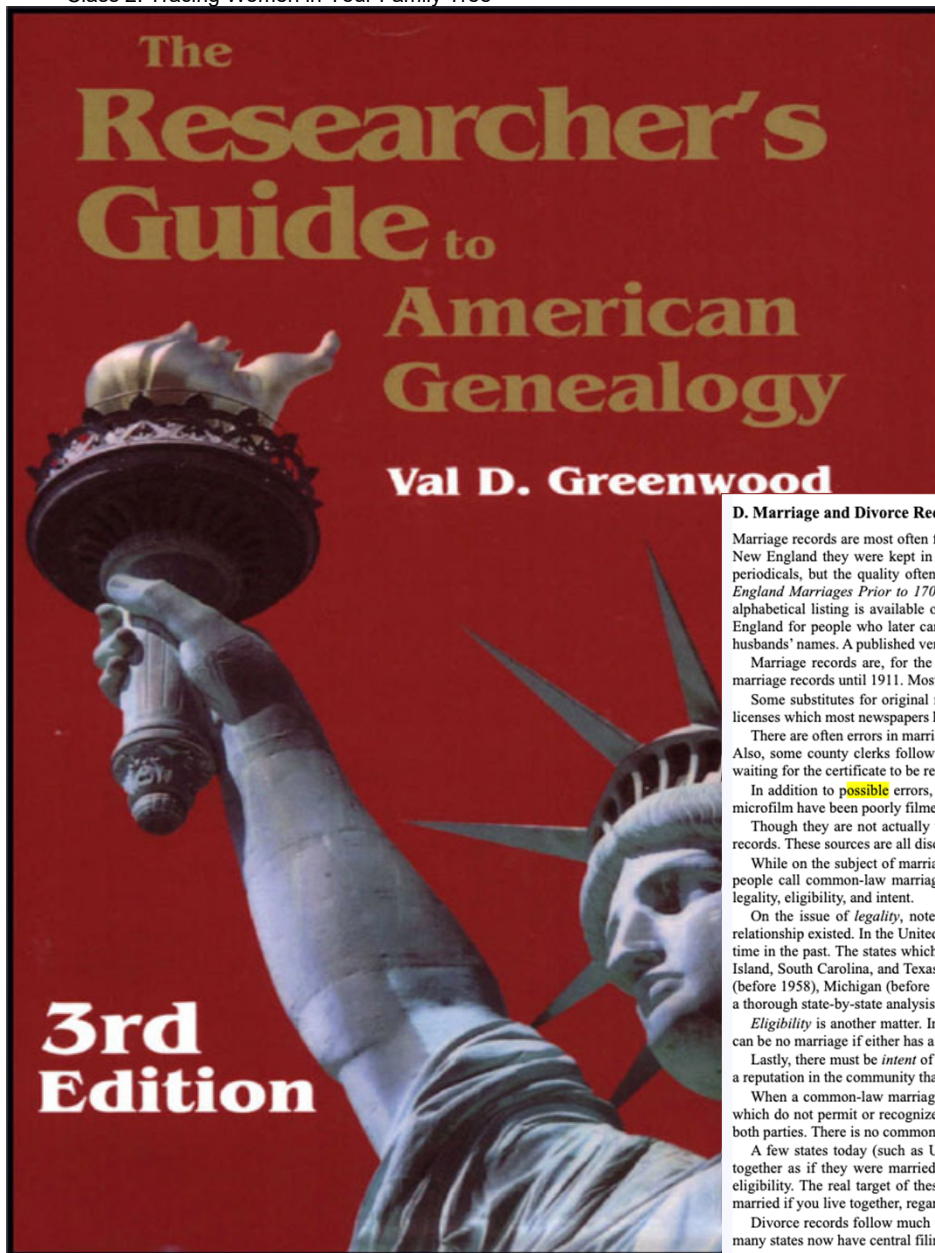
The divorces are indexed online at www.sctc.state.co.us/marriages/divorces.aspx. Both agencies have a microfiche marriage index, by bride and groom (1975-present) and a divorce index (1968-present). An up-to-date

Red Book



7	Court Records																														
SANDRA HARGREAVES LUEBKING, FUGA, LORETTO DENNIS SZUCS, FUGA, and ARLENE H. EAKLE, Ph.D.																															
Court records are the raw essence of American history. From colonial times to the present, legal documents reveal the customs, the attitudes, the social structures, and the struggles of the rich and the famous as well as those of otherwise unnoticed men and women. From the national landmark cases that have changed the way we all live to the smaller court decisions that have shaped the lives of a forgotten few, court records are a rich and under-used source for family, local, and national information. No other collection illustrates our personal or our national history with such depth and detail. Whether appearing as litigants, witnesses, jurors, appointees to office, petition signatories, or in some other role, surprisingly few people have escaped mention in court records at some time during their lives. During this nation's early years, Americans were expected to attend local court proceedings when they were in session. It was a civic duty, and citizens could be fined if they did not attend. That courthouses and their warehouses continue to run out of storage space is testimony to the fact that Americans frequently turn to the courts to seek justice. The																															
Chapter Contents																															
<table><tr><td>Importance of Courts in American Society . . .</td><td>257</td></tr><tr><td>Preliminary Work</td><td>258</td></tr><tr><td>Legal Terms</td><td>260</td></tr><tr><td>Court Procedures</td><td>261</td></tr><tr><td>Equity Cases</td><td>266</td></tr><tr><td>Probate</td><td>268</td></tr><tr><td><u>Divorce Actions</u></td><td><u>277</u></td></tr><tr><td>Types of Court Records</td><td>280</td></tr><tr><td>How to Search Court Records</td><td>287</td></tr><tr><td>Finding Compiled Court Records</td><td>290</td></tr><tr><td>Finding Early Laws</td><td>291</td></tr><tr><td>Selected Proceedings and Courts</td><td>293</td></tr><tr><td>Justice of the Peace Courts</td><td>308</td></tr><tr><td>Notes</td><td>312</td></tr><tr><td>References</td><td>316</td></tr></table>		Importance of Courts in American Society . . .	257	Preliminary Work	258	Legal Terms	260	Court Procedures	261	Equity Cases	266	Probate	268	<u>Divorce Actions</u>	<u>277</u>	Types of Court Records	280	How to Search Court Records	287	Finding Compiled Court Records	290	Finding Early Laws	291	Selected Proceedings and Courts	293	Justice of the Peace Courts	308	Notes	312	References	316
Importance of Courts in American Society . . .	257																														
Preliminary Work	258																														
Legal Terms	260																														
Court Procedures	261																														
Equity Cases	266																														
Probate	268																														
<u>Divorce Actions</u>	<u>277</u>																														
Types of Court Records	280																														
How to Search Court Records	287																														
Finding Compiled Court Records	290																														
Finding Early Laws	291																														
Selected Proceedings and Courts	293																														
Justice of the Peace Courts	308																														
Notes	312																														
References	316																														

The Source



D. Marriage and Divorce Records

Marriage records are most often found in the county where the licenses were issued, usually in the jurisdiction of the county clerk or county recorder. However, in New York and New England they were kept in the town. The early records consist mostly of records of licenses and bonds. Many of these early records have been published in books and periodicals, but the quality often leaves much to be desired. One such publication of importance to those with early New England ancestry is Clarence Almon Torrey's *New England Marriages Prior to 1700* (a manuscript index in twelve handwritten volumes of some 37,000 marriages from about 100,000 references in about 2,000 sources). This alphabetical listing is available on microfilm and on photocopy at the New England Historic Genealogical Society Library in Boston. The listing includes many marriages in England for people who later came to New England. The Barbour Collection (Connecticut) was apparently not used as an input source. Listings are alphabetical according to husbands' names. A published version of the Torrey work was produced by the Genealogical Publishing Company, Baltimore, in 1985.

Marriage records are, for the most part, available quite early in many areas of the U.S., with such well-known exceptions as South Carolina, which did not have official marriage records until 1911. Most early marriage records do not contain detailed genealogical data; however, there are exceptions to this.

Some substitutes for original marriage records that are of interest to the genealogist are newspaper notices and announcements, as well as the vital records lists of marriage licenses which most newspapers have carried. The former, especially, can provide interesting details.

There are often errors in marriage records, and you should always be alert to that possibility. The parties themselves sometimes falsified the data they gave to the record keeper. Also, some county clerks followed the questionable practice (in order to be more efficient) of recording the date of the marriage at the time the license was issued instead of waiting for the certificate to be returned. There are also spelling errors in these records, as in all other records you will use.

In addition to possible errors, the researcher should be aware that some marriage records will be wholly or partially unreadable for one reason or another. Some of those on microfilm have been poorly filmed. In others the record keepers had poor handwriting. Some records have been damaged and/or faded by time and the elements.

Though they are not actually vital records, there are other possible sources of marriage information. These include widows' pension applications, family Bibles, and census records. These sources are all discussed elsewhere in this book.

While on the subject of marriages, I would also like to make a few brief comments on common-law marriages. They are widely misunderstood and many relationships which people call common-law marriages are not marriages at all but only unlawful cohabitations. A common-law marriage is a legal marriage. Its existence is largely a matter of legality, eligibility, and intent.

On the issue of *legality*, note that, in order for a legal common-law marriage to exist, such a relationship must be recognized as a legal marriage in the state where the relationship existed. In the United States many states (as well as the District of Columbia) now recognize common-law marriages, and many others have recognized them at some time in the past. The states which currently recognize common-law marriages are Alabama, Georgia, Idaho, Iowa, Kansas, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, and Texas. Some states which have recently recognized and permitted common-law marriages are Colorado (before 1973), Florida (before 1968), Indiana (before 1958), Michigan (before 1957), Minnesota (before 1941), Mississippi (before 1956), Montana (before 1978), Nevada (before 1943), and South Dakota (before 1959). For a thorough state-by-state analysis see Noel C. Stevenson, *Genealogical Evidence* (Laguna Hills, CA: Aegean Park Press, 1979), pages 93-102.

Eligibility is another matter. In order for a legal common-law marriage (or any other legal marriage) to come into existence, both parties must be eligible for marriage. There can be no marriage if either has a legal, undivorced spouse or if there are other impediments, such as a relationship between the man and woman too close to permit marriage.

Lastly, there must be *intent* of the parties to be husband and wife to each other. Some indications of this intent which must be present include consummation, cohabitation, and a reputation in the community that they are husband and wife.

When a common-law marriage exists it is the same as any other marriage in the eyes of the law, and such a marriage is usually given full faith and credit even in the states which do not permit or recognize creation of such within their own boundaries. And a common-law marriage can be dissolved only by a legal divorce or by the death of one or both parties. There is no common-law divorce.

A few states today (such as Utah) are statutorily recognizing presumptive marriages. That is, the state presumes that a couple are married to each other if they have lived together as if they were married for a specified period of time. Such presumptions, of course, can be rebutted through presentation of evidence on such grounds as lack of eligibility. The real target of these statutes is prevention of welfare abuse, and they have nothing to do with the common law. They essentially say "we will presume you are married if you live together, regardless of your intent." Such statutes will certainly be tested in the courts and will no doubt create some bigamists.

Divorce records follow much the same pattern as marriage records but are not generally as early. Most of the records are in the counties where the divorces were granted, but many states now have central filing of official divorce records. More is said about divorce records, their location, and their use in [chapter 21](#).

The Researcher's Guide...

三

In most states the court having authority to grant divorces is the court which has control over other equity matters. There are only a few exceptions to this. Following is a list of the courts having jurisdiction in **divorce** cases in the several states. The records are ordinarily kept in these courts and, in many cases, are open to public use:

In most states the court having authority to grant divorces is the court which has control over other equity matters. There are only a few exceptions to this. Following is a list of the courts having jurisdiction in **divorce** cases in the several states. The records are ordinarily kept in these courts and, in many cases, are open to public use:

ALABAMA:	Circuit Court in county.
ALASKA:	Superior Court in district (there are four judicial districts).
ARIZONA:	Superior Court in county.
ARKANSAS:	Chancery Court in county.
CALIFORNIA:	Superior Court in county.
COLORADO:	District Court in county.
CONNECTICUT:	Superior Court in county.
DELAWARE:	Family Court (after 1975) and Prothonotary (to 1975) in county.
D.C.:	Family Division, Superior Court (from September 1956) and U.S. District Court for District of Columbia (for earlier records).
FLORIDA:	Circuit Court in county.
GEORGIA:	Superior Court in county.
HAWAII:	Family Court Division, Circuit Court (there are four judicial circuits).
IDAHO:	District Court in county (County Recorder).
ILLINOIS:	Circuit Court in county.
INDIANA:	Circuit and Superior Courts in county (County Clerk).
IOWA:	District Court in county.
KANSAS:	District Court in county.
KENTUCKY:	Circuit Court in county.
LOUISIANA:	District Court in parish (Parish Clerk).
MAINE:	District Court in county.
MARYLAND:	Equity Court in county.
MASSACHUSETTS:	Probate Court in county.
MICHIGAN:	Circuit Court in county (County Clerk).
MINNESOTA:	District and County Courts in county (concurrent jurisdiction).
MISSISSIPPI:	Chancery Court in county (Chancery Clerk).
MISSOURI:	Circuit Court in county.
MONTANA:	District Court in county.
NEBRASKA:	District Court in county.
NEVADA:	District Court in county (County Clerk).
NEW HAMPSHIRE:	Superior Court in county.
NEW JERSEY:	Superior Court (Chancery Division, Family Part) in county.
NEW MEXICO:	District Court in county.
NEW YORK:	Supreme Court in county (County Clerk).
NORTH CAROLINA:	District Court in county.
NORTH DAKOTA:	District Court in county (in Family Court Division in counties over 10,000).
OHIO:	Court of Common Pleas in county.

×

Workbook (0)

both parties. There is...

90

90

90

90

15 results

65

65

65

65

FamilySearch Research Wiki

A Genealogy Resource Guide

106,012 articles

Find the marriage, divorce, and other genealogy records for your ancestor by selecting the region and country below.

colorado divorce

Find Search Tips

North America

Europe

Asia

Africa

South America

Australia/Oceania

Jump-start your research

Guided Research will help you find the best databases for select locations.

Guided Research

List of all Localities

Colorado divorce

https://www.familysearch.org/en/wiki/Main_Page



Search results

Advanced search:

Search in:

Colorado Statewide Divorce Index - FamilySearch Historical Records (category **Colorado** FamilySearch Historical Records)
 your family in the state of **Colorado**. **Colorado** Guided Research
Colorado Research Tips and Strategies Step-by-Step **Colorado** Research,
 1880-Present These
 6 KB (520 words) - 20:23, 12 January 2023

Fremont County, Colorado Genealogy (category **Colorado** Maps)
 (section **Fremont County, Colorado** Record Dates)
 wiki page for **Colorado** Naturalization and Citizenship. For more
 information, see **Colorado** Newspapers. **Colorado** Newspapers Online
Colorado Online Historical
 33 KB (2,819 words) - 11:06, 15 December 2022

Baca County, Colorado Genealogy (category Baca County, **Colorado**)
 (section **Baca County, Colorado** Record Dates)
 more information, see **Colorado** Newspapers. **Colorado** Newspapers
 Online **Colorado** Online Historical Newspapers online - in the **Colorado**
 Historic Newspaper Collection
 28 KB (2,392 words) - 23:42, 14 December 2022

Moffat County, Colorado Genealogy (category Moffat County, **Colorado**)
 (section **Moffat County, Colorado** Record Dates)
 more information, see **Colorado** Newspapers. **Colorado** Newspapers
 Online **Colorado** Online Historical Newspapers online - in the **Colorado**
 Historic Newspaper Collection
 27 KB (2,325 words) - 16:51, 15 December 2022



FamilySearch Wiki Results



Colorado Statewide Divorce Index - FamilySearch Historical Records

[United States](#) → [Colorado](#)

Contents [hide]

- 1 What is in This Collection?
 - 1.1 Image Visibility
 - 1.2 To Browse This Collection
- 2 What Can These Records Tell Me?
- 3 Collection Content
 - 3.1 Sample Images
- 4 How Do I Search This Collection?
 - 4.1 Search the Index
 - 4.2 View the Images
 - 4.3 How Do I Analyze the Results?
- 5 What Do I Do Next?
 - 5.1 I Found the Person I Was Looking For, What Now?
 - 5.2 I Can't Find the Person I'm Looking For, What Now?
 - 5.3 Research Helps
- 6 Other FamilySearch Collections
 - 6.1 FamilySearch Catalog
 - 6.2 FamilySearch Historical Records
 - 6.3 FamilySearch Digital Library
- 7 Citing This Collection

What is in This Collection? [edit | edit source]

This collection contains a divorce index from the Colorado Department of Health for the years 1900 to 1939. The index is arranged in alphabetical order.

Image Visibility [edit | edit source]

Whenever possible FamilySearch makes images and indexes available for all users. However, rights to view these data are limited by contract and subject to change. Because of this there may be limitations on where and how images and indexes are available or who can see them. Please be aware some collections consist only of partial information indexed from the records and do not contain any images. For additional information about image restrictions see [Restrictions for Viewing Images in FamilySearch Historical Record Collections](#).

Access the Records

Colorado, Statewide Divorce Index, 1900-1939

This article describes a collection of records at FamilySearch.org.

Colorado, United States



Flag of Colorado



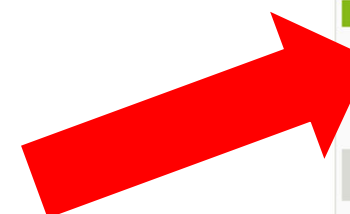
Location of Colorado

Record Description

Record Type	Divorce Index
Collection years	1900-1939

FamilySearch Resources

- [Colorado Guided Research](#)



Family Tree Search Memories Get Involved Activities

Records Images Family Tree Genealogies Catalog Books Wiki

Colorado Statewide Divorce Index, 1900-1939

Colorado Department of Health card index of divorces in Colorado from 1900-1939. The index is arranged in alphabetical order.

[HOW TO USE THIS COLLECTION](#)[BROWSE ALL 82,674 IMAGES](#)



Cite This Collection

"Colorado Statewide Divorce Index, 1900-1939." Database with images. *FamilySearch*. <https://FamilySearch.org> : 18 July 2022. Colorado State Archives, Denver.

[COPY CITATION](#)

[About](#) [Volunteer](#) [Blog](#) [Find Ancestors](#) [Site Map](#) [DNA](#) [Solutions Gallery](#)

[FEEDBACK](#) [ENGLISH](#)

FamilySearch Terms of Use (Updated 2021-09-27) | Privacy Notice (Updated 2021-04-06)
© 2023 by Intellectual Reserve, Inc. All rights reserved. A service provided by The Church of Jesus Christ of Latter-day Saints

Add Ancestor Information

NAME ALTERNATE NAME SEX

First Names Last Names

alice ☐ smith ☐

Add Life Event

ANY BIRTH MARRIAGE RESIDENCE DEATH

Place

Year (Range)

1910 1920

Add Family Member

SPOUSE FATHER MOTHER OTHER PERSON

Add Record Options

LOCATION TYPE BATCH NUMBER IMAGE GROUP NUMBER (DGS) OR FILM NUMBER

Country or Location State or Province

☒ Show Exact Search

[SEARCH](#) [FEWER OPTIONS](#)

OF
ST
INTS

www.FamilySearch.org

Filtered Results (112)

⚙️ PREFERENCES 🔍 SEARCH

✓ Collection: Birth, Marriage, & Death, Colorado Statewide Divorce Index, 1900-1939 (112) ✕

Collection Sex Race Marriage Other

Name	Events	Relationships
Alice H Smith Principal Colorado Statewide Divorce Index, 1900-1939	Divorce 1 October 1917 El Paso, Colorado, United States Marriage 24 March 1913	Spouses Clinton George Smith
Alice G Smith Principal Colorado Statewide Divorce Index, 1900-1939	Divorce 3 October 1933 Boulder, Colorado, United States Marriage 7 January 1912	Spouses Claude A Smith
Alice Hemenway Smith Principal Colorado Statewide Divorce Index, 1900-1939	Divorce 9 December 1911 El Paso, Colorado, United States Marriage 15 June 1910	Spouses George Clinton Smith
Alice Smith Spouse Colorado Statewide Divorce Index, 1900-1939	Divorce 1 June 1911 Chaffee, Colorado, United States Marriage 9 December 1905	Spouses George Cryle Smith
Alice Smith Principal Colorado Statewide Divorce Index, 1900-1939	Divorce 16 November 1920 Huerfano, Colorado, United States Marriage 10 March 1920	Spouses Alex Smith
Alice Smith Spouse Colorado Statewide Divorce Index, 1900-1939	Divorce 1 March 1920 El Paso, Colorado, United States Marriage 3 July 1901	Spouses Elmer E Smith
Rose Alice Smith Principal Colorado Statewide Divorce Index, 1900-1939	Divorce 23 February 1893 Colorado, United States Marriage 3 May 1888	Spouses David A S

Record Information

Alice Hemenway Smith

Legal • Colorado Statewide
Divorce Index, 1900-1939

VIEW RECORD

Name **Alice Hemenway Smith**

Spouse's Name **George Clinton Smith**

Divorce Date **9 Dec 1911**

Divorce Place **El Paso, Colorado, United States**

Marriage Date **15 Jun 1910**

Event Type **Divorce**

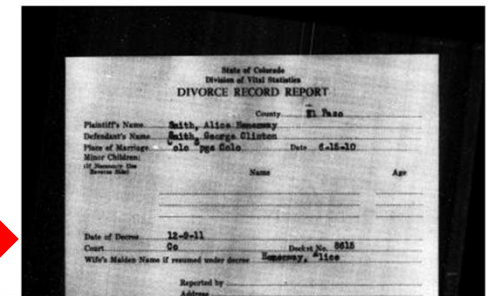
Court Docket Number **8615**

Alice Hemenway Smith's Spouses and Children

OPEN AL

George Clinton Smith

Ex-spouse



ATTACH TO FAMILY TREE

www.FamilySearch.org

State of Colorado
Division of Vital Statistics
DIVORCE RECORD REPORT

County El Paso

Plaintiff's Name Smith, Alice Hemenway
 Defendant's Name Smith, George Clinton
 Place of Marriage Colo pgs Colo Date 6-15-10
 Minor Children:
 (If Necessary Use Reverse Side)

Name	Age

Date of Decree 12-9-11
 Court Co Docket No. 8615
 Wife's Maiden Name if resumed under decree Hemenway, Alice

Reported by
 Address

DON-11-28-39-MIRSCHFELD PRESS, DENVER

Alice Hemenway Smith
 Legal • Colorado Statewide
 Divorce Index, 1900-1939
[VIEW RECORD](#)

Name **Alice Hemenway Smith**

Spouse's Name **George Clinton Smith**

Divorce Date **9 Dec 1911**

Divorce Place **El Paso, Colorado, United States**

Marriage Date **15 Jun 1910**

Event Type **Divorce**

Docket Number **8615**

Alice Hemenway Smith's Spouses and
[George Clinton Smith](#) Ex-spouse

ATTACH TO FAMILY TREE

1900-1939

Rose Alice Smith

Principal

Colorado Statewide Divorce Index,

Divorce 23 February 1893

Colorado, United States

Marriage 3 Mar 1888**Spouses** David A Smith

Feedback

www.FamilySearch.org

Divorce Records

Collections	▼
Authenticated Constitution	
Genealogy - Vital Records	▶
Census Records	
Corrections Records	
Governors	▶
Historic Mine Reports	
History	▶
Legal Records	▼
Divorce Records	
Arapahoe Divorce	
Boulder Divorce	
Probate Records	

PLEASE READ THIS PAGE BEFORE REQUESTING DOCUMENTS. IT COULD SAVE YOU CONSIDERABLE TIME IN THE PROCESS OF RETRIEVING THE RECORDS YOU NEED.

Colorado State Archives does NOT have most divorce records for people who are alive and need their own divorce records to file for Social Security, claim child support, or prove their divorce in order to be re-married.

This list of [Divorce Records you can get at the State Archives](#) outlines the counties and years we have divorce records. If the county and time frame of your divorce are not included on this list, then State Archives does not have your record.

- If the divorce happened in the county and during the time period detailed on this list, then you can request the record from the State Archives. You will need to provide the case number for most requests. If you don't have a case number, try using the [Archives Search](#). If you are still unable to find a case number, contact the [District Court](#) in which the divorce was filed.
- If the county and time period for the divorce you are looking for is not on this list, the record is still held by the District Court. Contact the [District Court](#) in which the divorce was filed for your record. Most people who are looking for divorce records that concern themselves will need to contact the courts for their records.



archives.colorado.gov/collections/legal-records/divorce-records



Colorado State Archives - Records Request Form

(not shared) [Switch account](#)

* Required

This form is designed to gather all the information we need to fulfill your request, as well as answer questions you may have about the request process.
7/1/2022 - Please read each page thoroughly as some pages have changed.

I am... *

- ☐ ...requesting to make an appointment to view records in the research room
- ☐ ...requesting records be sent to me, so I don't have to visit the research room

[Next](#)

Never submit passwords through Google Forms.

This form was created inside of State.co.us Executive Branch

Google Forms

State of Colorado Division of Vital Statistics DIVORCE RECORD REPORT		
County.....		El Paso
Plaintiff's Name.....	Smith, Alice Hemmery	
Defendant's Name.....	Smith, George Clinton	
Place of Marriage.....	Colo. & pgs Colo	Date 6-15-10
Minor Children: (If Necessary Use Reverse Side)	Name	Age
Date of Decree.....	12-9-11	
Court.....	Co	Docket No. 8615
Wife's Maiden Name if resumed under decree.....	Hemmery, Alice	
Reported by		
Address		
DOM-11-25-20-HIRSCHFELD PRESS, DENVER		

Record Request Form

Women and the Law

- Women have often been restricted by laws
- Some of the laws though do generate records on your women
- Some women, such as Abigail Adams, understood their situation and looked to change it
- Always seek records that involved the law in one way or another as there may be answer hiding there

QUESTIONS?

Schedule a consultation

consultations@americanancestors.org

Hire Research Services

research@americanancestors.org

Consultations

Book a one-on-one
consultation with
a genealogist and
receive help with your
family history research!

[AmericanAncestors.org/
Expert-Help/Consultations](https://AmericanAncestors.org/Expert-Help/Consultations)



 American Ancestors

A National Center for Family History,
Heritage & Culture

 Bookstore  About Us MY ACCOUNT ▾

SearchEventsJoin/RenewGive10 Million NamesPublicationsExpert HelpToolsProjectsCenters & Initiatives

Tracing Women in Your Family Tree 2026

Thank you for registering for the online course, *Tracing Women in Your Family Tree*!

Women make up 50% of your ancestry, yet their lives, experiences, and even complete names are all too often forgotten by written history. This course will help you reclaim their stories by providing resources and strategies for finding maiden names, discussing women's legal rights through history as they pertain to genealogical documents (such as land and probate records, voting lists, naturalization, etc.), uncovering material and written culture left behind, and using mitochondrial DNA to trace maternal lines.

This course includes five 90-minute lectures, Q&A with the instructors, and exclusive access to handouts. You will have access to all materials for the foreseeable future.

NEW! This course also includes two virtual office hours with instructors. These informal sessions offer an opportunity for participants to drop in and ask additional questions, see demos as they arise, and more. These sessions will not be recorded.

JOIN THE LIVE BROADCAST

AmericanAncestors.org/tracing-women-your-family-tree-2026



THANK YOU!
AmericanAncestors.org



NEW ENGLAND HISTORIC
GENEALOGICAL SOCIETY

AmericanAncestors.org

Copyright ©2026