

## **Forever Divorced: The Rest of the Story**

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Several years ago, I wrote a story on the first divorce filed in Lavaca County: Elenor Brown vs. Henry H. Brown. At the time, the story seemed to be pretty straightforward. However, recently while researching a completely unrelated topic, I found that there was much more to the Brown divorce than I knew. Other individuals played a huge role in the Brown divorce that was never mentioned in the court records. So now I am going to take this opportunity to, as Paul Harvey would say, share with you the rest of the story....

First, a brief recap of the Brown divorce. Elenor Brown wanted out of her marriage. On July 12, 1849 she appeared before Spencer Townsend, Clerk of the District Court, in the Lavaca County courthouse in Petersburg and filed a petition for divorce from her husband Henry H. Brown. In the petition Elenor stated that the Browns had been married on the 20<sup>th</sup> of July 1840 in Missouri and had immigrated to Lavaca County in 1847. In January of 1849, Elenor left her home and sought legal protection from her husband whom she claimed repeatedly subjected her to bodily harm and verbal abuse. On October 13, 1849 Elenor and Henry were granted a divorce and their joint property was to be divided equally between the two parties. It is not until over a year later, in October of 1850, that a settlement is reached and the court orders that deeds be made to the two parties according.

However, this story had some loose ends. Elenor last appears in Lavaca County in the 1850 Lavaca County census as a 30 old divorcee living in the county seat of Petersburg employed as a seamstress and sharing her home with 15 year old Mary Phelps. The property that Elenor was to receive from her divorce was never deeded and/or transferred to her. At the time, I had no clue as to what happened to Elenor, but by sheer luck, I do now.

It seems that the Browns marriage was not the only unhappy union. Ira and Dorothy McDonald had been married in Illinois on September 25 1834 or 1835 and had immigrated to Lavaca County Texas in 1837. In September of 1850, Ira files for divorce, contending that Dorothy had abandoned their marital home in the spring of 1849 and refused to return. Ira states that he and Dorothy had seven children together the youngest an infant about 12 months old. Ira wanted custody of all the children except the 12 month old. By October 10, 1850, Ira was unable to proceed with the case due to a lack of material testimony so the case was dismissed.

While Ira's case had sputtered to a halt, Dorothy filed for divorce on November 2, 1850. Dorothy stated that in September 1849, her husband became orally abusive and eventually this behavior compelled her to flee from his house and seek protection and shelter among her neighbors and friends. Dorothy also states that Ira has refused to provide or furnish means of support for Dorothy and her infant child, the same child that Ira did not want custody of in his previous case.

Dorothy also filed a statement in which she requested that the court sequester their common property for Dorothy feared that Ira was endeavoring to sell and dispose of and/or remove from

the state property in order to deprive her of her rights. Dorothy later agreed to dismissing and discontinuing the case when she and Ira agreed to a division of the joint property.

As if fighting with his wife over a divorce and ownership of their property wasn't enough, Ira finds himself embroiled in another legal problem of a much more serious nature. In the spring of 1851, McDonald is indicted by a grand jury for assault and attempted murder of Benjamin R. Ham on March 28, 1851. When Ira was subpoenaed in the case, it was reported to the court that he was never located and in April of 1853, the case was finally dismissed.

While agreements are made they are not always adhered to as in the case of the McDonalds. Dorothy was in court again on March 22, 1852. Ira McDonald was again a defendant, but a new person was now involved; a local lawyer by the name of Silas Bennett.

Bennett was involved because Ira had named him as his agent and attorney with all the power to convey or dispose of any lands that he may have in the state and to sell or otherwise dispose of any other personal property.

Again Dorothy testified to the cruel treatment by Ira but now also accused Bennett of partnering with Ira to defraud her of her rightful share of the community property. Dorothy states that Ira had given Silas Bennett his power of attorney, so that Bennett could sell property from the community estate and not give any of the proceeds to either party.

OK, so by now you must be thinking: What does the McDonald divorce have to do with the Brown divorce? Bear with me, we are almost there.

While all of this legal bickering is taking place, Dorothy finally provides us with the glue that binds the two divorce cases together. Until this time, there had been no mention whatsoever of any other person except for the spouses, being involved in either divorce, but the truth finally came out. Dorothy testifies that her husband, Ira, in 1848, had commenced a continued adulterous relationship with, drum roll please, one Elenor Brown whom he lived within an estate of adultery and continued to do so having left Texas and moved to the state of Missouri with her.

For some parties involved, this story seems to have a happy ending; Ira and Elenor leave all their responsibilities, and assorted legal problems, behind in Lavaca County and start a new life together in Missouri, but Dorothy is not so fortunate. After all this legal posturing not only she is left behind to battle Silas Bennett for her property, but ultimately finds herself still married to Ira McDonald.

Sources:

Lavaca County Civil Case #31 Elenor Brown vs. Henry H. Brown

Lavaca County Civil Case #47 Ira McDonald vs. Dorothy McDonald

Lavaca County Civil Case #52 Dorothy McDonald vs. Ira McDonald

Lavaca County Civil Case #79 Dorothy McDonald vs. Ira McDonald and Silas Bennett

Lavaca County Deed Records Vol. B p. 8 Ira McDonald to Silas Bennett Power of Attorney  
1850 Lavaca County Census  
Lavaca County District Court Minutes Vol. A pp. 47, 73, 80, 92, 151, 156, and 184  
Lavaca County Criminal Case #46 State of Texas vs. Ira McDonald