Divorce proceedings became even more difficult in 1896

"A peculiar case was settled in court yesterday in which Mrs. Swafford of Bean Blossom Township was the plaintiff."

— Bloomington World, Dec. 22, 1896.

Looking back

By Rose McIlveen

Back in the days when it was not so easy to get a divorce, two Monroe County couples found that some fine print in the law stood in the way of severing their bonds of matrimony.

In December 1896, a woman by the name of Swafford was summoned to court to explain why she had committed bigamy. Her story began some time earlier when she had married a man by the name of Green and settled in Greencastle.

Unfortunately, Green had a serious character flaw. As the Bloomington *World* put it, "Green got into trouble by reason of the fact that he carried off other people's chattels and which was contrary to the statutes and dignity of the state."

The law having taken its course, Green was sent to prison to think of other ways of making a living. His spouse moved to Monroe County and filed for divorce.

The judge found himself in sympathy with Green's wife and granted her wish to be free, but there was one catch to the proceeding. Explained the *World*, "As William's (Green's) position was one of strong iron bars between him and freedom, Judge Miers allowed the divorce in default on the payment of costs. As no costs were paid in the clerk's office, the usual entry was not made by Clerk Woodward . . ."

When the word got around that Green's wife had again changed her name by virtue of matrimony in Morgan County, it occurred to the clerk's staff that as far as the books in Monroe County were concerned, she was not legally divorced from Green. Since the Monroe County grand jury agreed with the clerk, Green-Swafford was hauled into court.

The woman's attorneys, East & Miller, soon helped the court to sort out the legal tangle and charges. Apparently she had given what she thought was the costs of her divorce to her attorney, and he had neglected to see that it was duly recorded.

Her brush with the law did not sour Swafford on the subject. According to the *World*, Swafford had filed a suit for damages against a farmer living near Stinesville for assault and battery with intent to commit rape.

see **Looking back**, page **C3**

H-T 1/13/93

Paperwork complicated 1890s divorce proceedings

Looking back, from page **C1**

Another sticky divorce case dragged on for several years. It involved Capt. William Alexander, a genuine Civil War hero.

Several years before 1894, he filed for divorce in Monroe Circuit Court. The Bloomington *Evening World* of Nov. 24, 1894, reported that the divorce was granted "to both Mr. and Mrs. Alexander" along with a poverty settlement.

"Settlement" seems to be the wrong word, since Alexander's wife filed an appeal with the state Supreme Court. It is not clear whether she didn't want a divorce or wasn't happy with the amount of property she received.

That was where the technicality came into play. Related the *World*, "Under the statute a divorce can be granted only upon the application of the injured party, and a finding in favor of one party and against the other is necessary to authorize a divorce."

Therefore, the State Supreme Court ruled that two people who thought they had been divorced for several years were not after all. Capt. Alexander responded in the words of his former commander in chief, General Ulysses S. Grant.

He was quoted in the *World* as having responded that he would refile for divorce, "and will fight it out on that line if it takes all summer."