

Letter From The Editors

This will be the final installment on the divorce of Moses and Elizabeth Swaim. We have included Moses' rather lengthy response to Elizabeth's petition and their final marriage dissolution decree. This issue will begin our fifth year of publishing the Armfield Newsletter. We look forward to the coming year and hope you do too. *Connie & Joyce*

Moses Swaim's answer to Elizabeth Swaim

North Carolina, Guilford County. Guilford County Original Divorce Records, 1820-1929. C.R. 046 603 (1844). Image copy. Transcribed by Joyce Agerton, 2008.

North Carolina) In Equity
Guilford County) Spring Term 1844

The separate answer of Moses Swaim to the bill of Complaint of Betsy Swaim by her next friend David Armfield exhibited against him and Walter A. Winburn administrator on the estate of Nathan Armfield deceased.

This defendant now and at all times hereafter reserving to himself all manner of benefit of excibiting to the manny uncertainties misrepresentations and false allegations contained in said bill, for answer to as much and such parts thereof as he is advised is material and necessary for him to answer unto sutch.

That it is true as set forth in said bill that this respondant and the said Betsy intermarried in the year 1820 and in a short time there after removed to the state of Tennessee where they settled and where he has continued to reside ever since and up to the present time - that he and the said Betsy lived together in good times as man and wife till the year 1825 when she left im without any cause or provocation, whatever and without his having any knowledge of her intention and returned to her fathers in North Carolina - That in the spring of the year 1826 the defendant came to North Carolina for the purpose of taking her home again - that she readily and willingly consented to return home with him and did return with him in the month of July 1826 where she ran around tell the summer of 1840 when she again left him without any cause, and continued absent for the space of two months after the expiration of which time she returned and continued at home until the month of May 1843 when she departed the third time without any

reasonable cause and went to a widow womans house by the name of McCommacks within a mile of this defendants, and resided with her for a few weeks after which she went into an empty house at the said Mrs. Mc Commarks but a short distance from her dwelling house and continued to reside there for the span of six months - that during the time at her residence in said house she came almost daily to the house of this defendant and sometimes milked the cows and cooked previsions for the family - that she had access without restraints or hindrance to the family stores and carried off to the house which she had chosen for her home. Large quantites of provisions for herself & her visitors - and for sale that during the same time she carried off his bed bed clothing and feathers and stript his house of these articles almost to nakedness leaving him only one bed and furniture and compelling him to buy articles of bed clothing for his children to protect them from the cold of the last winter. Which articles from so carried off were sold by her or disposed of in some other way unknown to this defendant - That during the time of her residence in the aforesaid house it was the plan of frequent frolicks and quiltings, at fiddling and dancing, and revelling and that the persons who frequanted her house were men and women of bad moral character dissipated lives and lewd habits during which time the character of the said Betsy suffered very much in the estimation of the respectable portion of the neighborhood and became the subject of general and to this defendant of painful remarks. During the time this course of life was leading by the said Betsy this defendant remonstrated with her and insisted on her returning to her proper home, which she refused to do - During the time of her continuance in the aforesaid house she Sued out a peace warrant against this defendant in which she swore she was afraid this defendant would kill her, which this defendant charges was false and malecious, and that she had no such fears and no grounds for any such fears, and the conduct of the said Betsy plainly showed she had no such fears for during the time said warrant was pending she was at his house almost daily; the house she then lived in being not more than a mile from the residence of this defendant - That this defendant was twice cited before a magistrate at which times the said Betsy always appeared but would never consent to be examined and never was examined as a witness against him and she finall told him she did not care a fig for the peace warrant and if he would agree to let her have a divorce and the property coming from her fathers estate she would drop it. He then proposed to her that she might have one half of the said property settled to her separate use and offered to enter into any writings that were necessary to bind him to that effect, but this she refused to do stating she intended to have all or none. The peace warrant being finally abondoned on account of her refusal to be examined upon it and Mrs. McCommack becoming very much opposed to her continuance in the

aforesaid house on account of the bad company that frequented it the said Betsy removed to one Johnstons in the same neighborhood and continued there some two or three weeks till she and his daughters who were girls of bad character, [disappeared] after which she removed to one Jones about eight miles from the residence of this defendant, where she remained some time and until with out the knowledge of this defendant she took her departure to North Carolina with her youngest child, during the last winter.

This defendant further answering saith, that the said Betsy was always since their marriage a woman of violent temper and unbridled tongue that she has always been stubborn and disobedient, lazy, idle, and improvidant and for the last seven or eight years she has neither spun nor wove nor washed for him nor their children, for all which time he has been compelled to buy clothing for his family and him his washing - That tho she has always been unruly and ungovernable she has been particularly so ever since she has heard of the death of her father and that there was some property coming from his estate.

Further answering this defendant saith that all tho the conduct, temper and deportment of the said Betsy has been thus provoking violent and unworthy of her sex justifying him in his opinion in resorting to harsh measures of restraint & correction yet that he has been untimely innocent of the charges contained against him in said bill of Complaint most of which he asserts to be false and libelous. He saith that it is false as charged in said bill that he ever communiated any disease to the said Betsy or that he was beat kicked or whipt her. He denies that she was afford any indignitions to her person or that his treatment to her has been either cruel malicious or barbarous or that her life was hath been endangered by him or any other person to his knowledge & that if her condition has ever been intolerable or life burdensome dregs of bitterness of which complains have been mingled with her own hands. He admits that he has been a great deal absent from home, but says that his absence has been caused by the duties of a profitable affair which he has held for many years in the county in which he lives, he being one of the constables of said County and necessarily away from home a great deal. He admits that he has some times used spirits too freely and may some times have been drunk, but he denies that he is "a drunkard and spendthrift." Or that he is wasting his property to the impoverishment at his family or that he is on the verge of insolvenicy.

And although he admits he is not a man of great wealth and substance and might have been much better off with the assistance of a frugal and industrious wife, yet he has considerable substances and is abundantly able to furnish a decent substantial and comfortable support to the said Betsy if she would choose to stay at home and enjoy it. But he does feel not bound to contribute any thing to her substances at any other place

other than his home. He saith that he was not a man of much prosperty at the time of his intermarriage with the said Betsy, and that fact was well known to her, and that his prosperity is equally as large now and more so than at the time of his marriage not with standing or the disadvantages aforesaid under which he has labored since his marriage; and that the property he now has and ever has had has been intirely at his own making independent of any assistance from the relations of his wife with the exception of two feather beds, which is the whole amount of all the property he ever received from her father or any of her relations. And if his said wife will consent to return to her deserted home and children this defendandt is perfectly willing for her to enjoy a support out of his property and future labours.

Farther answering he saith that his wife and her friends have been always greatly dissatisfied with her residence in Tennessee, and that whilst on a visit to her relations in the year 1823 great efforts were made by some of her relativies to persuade him to remove to the state of NC. And this defendandt fully believes when she left him in the year 1825 and returned to her fathers , that it was a plan contrived by her relations to force him back again to the State of North Carolina. He saith that although he has never used personal violence to words his wife yet they have had a great many angry disputes and quarrels which have mostlhy been brought on by the violent temper of his wife, which never would break either admonition or advice from him, in which he has received much insulting and a [brazen] language and since the death of her father he has been repeatedly told by his said wife that she was rich and indifferdant and could live any wear. And this defendandt if fully of the belief that she has formed the deliberate purpose and danger to abandon him and her eight children whom she left in Tennessee many of which children are young and of tender years, to return to the state of North Carolina, to obtain alimony out of his lands to procure a settlement of his share in her fathers estate upon herself and take a fresh stand in the world the wife of an abandoned husband and the mother of eight desterted children.

Further answering this defendandt saith that complainants bill has he has been informed and believes was filed in less than a week after her arrival in North Carolina that her residence and home since the year 1820 and the residence of this defendandt has been in Maury County and state of Tennessee and that she had not at the time of the filing said bill and hath not now any domcil or settlement in the County of Guilford and state of North Carolina and he submits to this Honorable Court whether a wife residing in the state of Tennessee can desert her own state for the purpose of obtaining a divorce and alimony against her husband and file a petition against him in any other state without first having become domiciled in the later state and obtained a settlement by

a residence according to law. And he claims the benefit of this exception & objection as fully as if the same had been specially pleaded. And he further submits to your Honor whether the Courts for North Carolina can take jurisdiction of Complainants petition for the reason that the facts set forth in said bill (even if true) on charged to bond taken place in the State of Tennessee where the complainant and this defendant have been domiciled for the last twenty four years and therefore this case must be governed and decided by the laws of said state and not by the laws of any state to which a wife may chose to ply for the purpose of more usually obtaining divorce and alimony. And he prays the benefit of this exception as fully as if the same were him specially pleaded.

This defendant further answering saith that it is true as set forth in said bill Nathan Armfield father of said Betsy, died in the county of Guilford some few years ago instate, that the other defendants W.A. Winburne is administrator de bonis non on his estate that his distributers and next of kin are John Armfield, Mary Hanner, and his wife the said Betsy & that this defendant is entitled in right of his wife to one third part of the said Armfield estate and perhaps the whole tking into consideration that the other distributers were largely advanced in the life time of said intestate while he and his wife have only received two feather beds. He futher admits that his wife is one of the persons entitled to a beneficial interest in the estate of Jeremialh Field deceased - that her mother was one of the legatees under the will of said Field and that her father purchased an interest of one of the other legatees, and that she is entitled to one third of each of said shares. And he farther admits that he is the owner of a tract of land in the county of Guilford containing one hundred & sixty acres but he denies that he ever has expressed any anxiety to sell his interest in the estate of the sd Nathan or that he ever has threatened or attempted to sell the same and he knows of no person who have ever expressed any anxiety or wish to purchase. And as to his own land which he has for many years held in the county of Guilford he has no recollection of ever threatening to sell it for the purpose of defeating complainant in obtaining alimony - although he may have been at some time expressed a desire to sell it as he has no intention of residing upon it and has no desire to hold property so remote from his place of residence. As to the opinion so confidently expressed in bill. If the defendant was not in the county of Guilford at that time he soon would be here. He replies that after a friend had informed him of the arrival of his wife in Guilford county & sent him a copy of the bill he deemed it alike due his interest and his character to attend the court and defend the suit - that he arrived here only on Saturday before the sitting of this court & that since his arrival he has not offered or attempted to sell the interest of himself and his wife in the estate of his father in law, nor his own tract of land: that upon

his coming to court on Monday he was arrested on a subpoena and held to bail in the sum of two thousand dollars and that he believes this uncalled for [illegible] was resorted to by his wife and her ill advised friends for the purpose of persecuting his imprisonment and starting a comprise from him within the walls of a jail believing that he would be unable to give the surety required by said writ. And this defendant is further of the belief that his wife has been instigated by certain of her friends have to abandon her home and her children and repair to North Carolina for the purpose of filing this bill for alimony and a settlement of her fortune of her fathers estate upon her to her separate use & that her true and substantial interests have been sacrificed to the mercenary motives of her friends and the [illegible] and [illegible] of this defendant and a large family of children been wantonly disturbed in order to afford the friends and relations of his wife an opportunity to make a mercenary speculation.

This defendant submits to your Honor whether any wife acting as this said Betsy has done in all her matrimonial my arguments is entitled to divorce from bed and board, to alimony or to a settlement of her estate upon her to her separate use or to any favorer or protection what ever from the hands of a Court of Equity and he accordingly prays your Honor that the injunction restraining him from the sale of his land and the collecting transferring or assignment of his interest in the estate of the aforesaid Nathan Armfield and Jeremy Field may be totally dissolved and this defendant left to his common law rights in this premises .

Having fully answered all the material allegations in said bill contained he prays to be hence dismissed with his considerable costs in this behalf most wrongfully [entered].

Ralph Gorrell,
Sol.

State of North Carolina

Moses Swaim swears that the [illegible] nature of fact contained in this his answer which is of his own knowledge are true and then as not of his own knowledge he believes to be true.

Sworn to & witnessed this
23rd day of April AD 1844
Before me

Moses Swaim

J A Mebane C M E

THE DIVORCE DECREE

Maury County [TN], [Microfiche] Roll #45, Book 6, Page 257, Court Minutes

Monday 6th May 1854

Elizabeth Swaim Vs Moses Swaim Decree

The complainant comes and says she is unwilling further to prosecute her suit against defendant Nathan A. Swaim and prays to dismiss her bill as to him. It is charged, ordered and determined by the Court that Complainant's bill be dismissed as to said defendant Nathan A. Swaim. And then this cause came on answer further heard this 6th day of May 1854 before the Hon. William P. Martin judge upon bill and order procession and proof and it appearing to the Court that the complainant and defendant Moses Swaim were legally intermarried years ago and that they have lived together as man and wife and it appearing to the Court that said defendant Moses Swaim has received of the estate of complainant the Sum of about Sixteen hundred dollars which he has now in his possession and it further appearing to the Court that Since the intermarriage of Complainant and defendant the defendant has been guilty of adultery and that he has willfully and maliciously deserted and absented himself from defendant without any reasonable cause whatever for the space of more than two years before the filing of Complainant's bill. It is charged ordered and decreed by the Court that the bonds of matrimony heretofore existing between Complainant and defendant Moses Swaim be and are hereby dissolved for naught held and the Complainant is restored to all the rights priviledges and power of a "feme Sole". And it is further ordered and decreed by the Court that Complainant recover of the defendant Moses Swaim the Sum of Sixteen hundred dollars for which Executor will issue. And it is further ordered and decreed by the Court that Complainant have the right to the custody of her daughter now living with her and that the defendant Moses Swaim be and is hereby perpetually enjoined from in any way disturbing or interfering with Complainant in the Custody and possession of her said children and that defendant Moses Swaim pay all the Costs of the proceeding for which til Execution issued.

Wm. P. Martin

Summary

On 16 Mar 1971 Joyce received a letter from the late Ruth Swaim Flowers. She was a great granddaughter of Elizabeth and Moses Swaim and had a copy of an 1853 document in which Elizabeth called Moses and their son Nathan A. Swaim to task for the spending of her money. Elizabeth indicated \$1,600 was to have been used to buy land in Nathan's name and to lend out. Elizabeth has been described as being small in stature and a feisty red-head. Elizabeth and her daughter Mary were buried in unmarked graves between Holt's corner and Caney Springs in Marshall County, TN.

Thomas Forehand, descendant, wrote that Moses Swaim was a fairly well respected man and held some type of appointed or elected position in the county. Taftj@juno.com "The Herald & Monitor" newspaper published in Columbia, Maury, TN, Issue 27, Nov 1874 reported '*Moses Swaim, Sr., 88, taken to Poor House recently. A number of years Constable of District 25; in youth a notable Fight and Race Horse man. He dissipated squandered his property*'. We have more documents, regarding property distribution, etc. for Moses and Elizabeth, but felt it would be of little interest to most people. If you would like more information, please let us know and we will try and accommodate your needs.

Comments & Contributions

Aaron Armfield has been working on a web site for his family. He has included a link to our Armfield Family newsletters. It is accessed through the stories page. Thank-you Aaron, we appreciate your help. <http://web.me.com/armfield2/family/Stories.html>

We want to thank Karen & Eric Armfield, Beverly Wagner, & Marilyn & Ron Jennings for their continuing research and their many contributions. Their assistance is extremely appreciated and invaluable to the accuracy of our family's history. Karen solved the mystery of David A. Armfield of NC & MO, S/O Hamilton & Martha Armfield and married to a Dora Davis (Jessie Isadora "Dora" Davis who married four times.

Beverly visited several cemeteries this summer in North Carolina and took many pictures which she has shared with us. The Armfield - Millis Cemetery was her favorite. She wrote that they drove by it several times before they spotted it. It was back in the trees from a corner that was given in the directions. Fortunately we were there before the trees had started to leaf out.

Marilyn & Ron visited a cemetery in Emmett, Idaho and took pictures of the headstones of Rose Mitchell Armfield (1883-1923), wife of Frederick V. Armfield. She is buried near her sister & husband and her mother.

Queries & Family Lines

Mary Ann Armfield wife of Isaac White named one of her sons Wyatt Alexander White. The family called him "Sam" and the family went to Georgia. If anyone has information on this line, please contact Nancy Holland. She especially would like to know where he was buried. Jholland21@charter.net

Family Information - Gone But Not Forgotten

Mary Ruth Andrews informed us that her cousin Danny McHargue died on June 14th, when he lost his battle with lymphoma. He leaves behind his life partner Libby and son Cam.

Anita Strickland's daughter Toni passed June 29th and leaves behind her husband and five year old daughter Ashley.

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