

TARTER v. TARTER

The divorce proceedings of Jacob Tarter and Mariah Warner Tarter

Pulaski County, KY

Other notes

As might be expected, these documents contain many misspelled words. In most cases, the misspellings have been corrected and "[sic]" reserved for "real" errors.

Parts of the documents are nearly illegible in part or in whole because of folds and other defects in the original documents. One, Jacob's response to Mariah's cross petition, appears to have been written with a quill pen with an irritated goose still attached.

In all cases, missing words or sentences are noted with "[_ words], and uncertain interpretation with *italics*. In a couple of places, I've summarized instead of doing a full transcription; these are clearly identified as such. In the depositions, the words "Jacob" and "Mariah" have been substituted in the places where he/she is referred to only as "Pltff" or "Def't".

On the photocopy I received of this case, the following statement appears on the back of the first page of the depositions taken for for Mariah:

"I certify that this is an exact photocopy of the original unaltered document which is on deposit at the Kentucky Department for Libraries and Archives, Public Records Division." [Frankfort KY]

"Source: **Pulaski Co. Circuit Court**

Staff person: David Schatz

Date: 10/13/99"

Introduction

Jacob Tarter, then about 63, married (2nd) Mariah Warner, about 23, on 28 October 1858 in Pulaski County KY. Their daughter, Queen Victoria Tarter, was born on 9 August 1859, so she apparently was conceived within a few days of the time Jacob and Mariah married. Jacob's first wife, referred to in these documents, was Mary "Polly" Weddle, the daughter of Daniel and Rachel Rayburn Weddle; she died about 1855. Polly [?Keeton/Ceaton/Seaton] Bird, also referred to in these proceedings, became Jacob's third wife on 11 December 1870 in Russell Co. KY.

Notes on the arrangement of the divorce proceedings transcription

I've divided the proceedings into three parts:

I. [Miscellaneous paperwork](#) (includes summons for depositions, summary of an appeal filed by Mariah, etc. This material is in roughly chronological order.

II. [The original petition, cross petition, and responses filed by Jacob and by Mariah.](#)

III. [Depositions](#)

	26 June 1860 -- three on behalf of Jacob (in relation to Mariah's cross petition)
Mariah	13 Sept 1860 -- four taken on behalf of
Mariah	14 Sept 1860 -- four taken on behalf of
Jacob	14 Sept 1860 -- four taken on behalf of
Jacob	15 Sept 1860 -- five taken on behalf of
Mariah	16 Sept 1860 -- two taken on behalf of

Following the transcription is a list of the "cast of characters", a chronology of Jacob's last twenty years, and a brief note about Mariah and Queen Victoria. (Page 3)

TARTER v. TARTER

Part I. Miscellaneous paperwork

Whereas we the undersigned Jacob Tarter and Mariah Tarter have agreed that we will separate and live apart - Now I, the said Mariah do hereby bind myself to relinquish and give up all claim of whatever kind or interest which I have in and to the property and estate both real and personal of said Jacob Tarter; and the said Jacob Tarter agrees to give up all interest which he has to the estate of said Mariah Tarter of whatever kind or interest. This agreement is made in consideration of a separation made between us, and upon a petition filed for divorce by either, the other binds himself or herself to agree and consent to a Judgment of divorce, separating and divorcing each, this 16th day of May 1859. [This is "the writing" to which is referred in other documents. -- jg]

tes: his /s/ T. Pennington, /s/ Jacob X Tarter, /s/ I.F. Brown mark, /s/ D. Tarter, her /s/ Mariah X Tarter mark

Received of Jacob Tarter one hundred Dollars in full of all my charges ag[ain]st him in any way whatever as claims that I might establish as being his wife and I hereby bind myself to not make any new charges or bring or cause to have brought any suits against him for damages as my maintenance as his wife.

Given under my hand this 31st day of May 1859.

Attest her /s/ C.J. Sievers, /s/ Mariah X Tarter, /s/ Joshua Taylor mark

summaries of summons and notices issued

* Summons for Mariah Tarter to answer within 20 days a petition filed against her by Jacob Tarter. Return of summons due on the first day of the July term of court. 23 May 1860. [Notice of execution not included in copies.]

* Summons for Jacob Tarter to answer within 20 days a cross petition filed against him by Mariah Tarter. Return of the summons due on the first day of July term of Court. 7 June 1860. "Executed 18 day of June 1860 on Jacob Tarter by delivering him a copy of the within. Sheriff fee 50c."

Mrs. Mariah Tarter,

You are notified that on Tuesday 26th day of June at Z. D. Porch' Examiner office in Somerset, I will take depositions to be read as evidence in the suit in Equity pending in the Pulaski Circuit Court whereas I am Plaintiff and you are defendant. 18 June 1860 /"s"/ Jacob Tarter

Mr. Jacob Tarter, On the 3rd day of the next July term of the Pulaski court, I shall at the courthouse in Somerset, move the Judge of said court to grant me an allowance as alimony in a suit for a divorce pending in said court in which you are Pltff. and I am Deft. June 26, 1860. /s/ Mariah Tarter "Executed June 26th 1860 on the within named Jacob Tarter by delivering to him a true copy of this Notice."

* Summons for Daniel Tarter, Theophilus Pennington and Floyd Brown for the 26th of June 1860 on behalf of Pltff. Jacob

Tarter. 18 Jun 1860.

"We accept [two words]" /s/ Daniel Tarter, /s/ J. F. Brown, /s/ T. Pennington [no date]

* Summons for John Compton, Helen Compton, R. B. Dunbar, Franklin Weddle, Martha Tarter, *Ruttice Tarter*, Docia Ann Weddle, Joshua Taylor, Jas. S. Weddle & Henrietta Weddle, Nancy Warner, A. McDaniels to appear at the Irvine house in the town of Harrison on the 13th day of Sept. 1860 to give evidence on behalf of Deft in a suit in equity pending in the Pulaski Circuit Court in which Jacob Tarter is Pltff and Maria Tarter is Deft. Given under my hand this 1st day of Sept. 1860. /s/ C.B. Bachellor, Examiner.

"Executed in full except R. B. Dunbar & Helen Compton"

Jacob Tarter, I shall at the Irvine house in the town of Harrison on the 13th of Sept next take depositions to be read on my behalf in a suit in equity pending in the Pulaski Circuit Court wherein you are Pltff and I am Deft and shall continue from day to day until complete. Sept 1, 1860 /s/ Mariah Tarter "Executed 1st day of Sept. 1860 on Jacob Tarter by delivering him a copy of the within. Sheriff fee 25c."

* Summons for Rachel Norfleet, Mary Ann Norfleet, William Weddle to appear on 15th Sept. 1860 in the town of Harrison to give depositions in the case of Jacob Tarter v. Mariah Tarter. 3 Sept. 1860 /s/ E.D. Porch, Examiner.

"I accept the service of the within notice Sepr 1860" [no signature(s)]

* Summons for Nan Weddle, Emila Dunbar, Luisa Foster, Rutha Tarter, Helen Compton, Charles Denham, & Ann Duck to give depositions on behalf of Deft Mariah Tarter on the 14th of September 1860. Dated Sept. 1, 1860. [Several names marked out: W.G. Cundiff, J. M. Weddle, *Nuten* Tarter, Sollomon Weddle ___, and a last name for the above Nan Weddle.]

"Executed on the within named Martha Tarter & Emily Dunbar, Ann Duck, Helen Compton, Charles Denham & Nancy Weddle." [no date]

Jacob Tarter, Pltff. agt [against] Maria Tarter, Deft.: By Equity

The Deft by her counsel moved the Court for an order on Pltff. to pay the costs of this suit and also to pay her attorneys Bradley & Bachellor a reasonable fee for their services in prosecuting her suit for alimony and divorce. Deft by her counsel also proposed to prove by Sherrod Williams and T. L/S. W. Sawyers, two practicing attorneys of this bar, that reasonable value of the services of her said attys were reasonably worth one hundred dollars. [Underlined words appear to have been marked through -- jg]

Said motion was overruled by the court, to which opinion the Deft excepts, and prays an appeal which is granted. And by agreement of the parties this motion was to be tried in connection with the suit either in the court below or Court of Appeals. [no date]

Jacob Tarter vs Mariah Tarter: Plaintiffs

Sept 1860

Filing petition 10c. Order <i>noting</i> filing reply to Defts <i>Ret.</i> 25c =	35 [cents]
<i>Summons</i> 25c, copy 10c, Return 10c, atty 10c, docketing case 10c	65
Appearance 10c, order transferring to equity 25c	35
Filing depositions 20c each, 40c	40
Order of continuance	25
March 1861 Order of continuance 25c, docket case 10c	35
_____	\$2.30

March 1862 term

Docketing case 10c, appearance 10c, order of continuance 25c	45
Order setting aside continuance 25c, order of submission 25c	50

Judgt 25c, recording judgt 20c, ent. judgt & satisfaction 50 95

Taxing costs 20c, copy 10c, filing papers 20 50

\$2.40

(Paid) \$4.75 /s/ John E. Colson, clk

Tartar vs Tartar: Copy Opinion

1863 Jany 16th reversed

" Feby 5th opinion modified

1863 April 3rd filed /s/ J. E. Colson, clk

(above on cover sheet for following)

State of Kentucky} January 16th

Court of Appeals } 1863

Mariah Tarter, Appellant vs Jacob Tarter: Appeal from Pulaski Circuit Court

Summary of opinion

Appeals court ruled that the lower court had erred refusing to allow Mariah the costs of her cross action against Jacob, including reasonable attorneys' fees. Four cases cited: Williams v. Monroe; Ballard v. Caperton ("...it was decided that the husband could escape this liability only by showing that the wife was in fault and that she had ample estate to pay the costs...It is proved in this case [Tarter v. Tarter -- jg] that the wife is very poor and is without estate of any sort."); Meyar v. Meyar; and Nikirk v. Nikirk.

"In the present case the cross petition of Mrs. Tartar in which she sought a divorce was dismissed.

Thereupon her Counsel moved the Court for an order on the Plaintiff to compel him to pay the costs including a reasonable allowance to them for their services in prosecuting her cross action for divorce.

"This motion was overturned, improperly as we think. On the authority of the cases cited, it is clear that they were entitled to such relief.

"There is not enough in the record to show that the Court abused its discretion in overruling her motion for an allowance pendente lite. ["while a lawsuit or action is pending" (*Webster's*) -- jg]

"But we think that the Court should in view of all the facts proved in the record have made an order for the maintenance of the child. Without going minutely into these facts it is sufficient to say that in the various family troubles which resulted in a final separation, the Appellee was by no means without fault. His wife is shown to have been subject to "spells of temporary derangement, resulting from her pregnancy, and the proof is, that during these periods, the treatment she received at the hands of her husband was not as kind or as tender as should have been, but rather the reverse. Whilst [she was] in that condition he procured a lawyer to prepare the written agreement for separation which the wife was induced to execute.

"It is proved moreover that the father of the Appellant, as well as herself, is very poor, and that she is physically unable to earn a support for herself and child by her own labor.

"The child should not be left to suffering and want in consequence of the misconduct of its parents, especially as the father is shown to be amply able to support it.

"The Court should, therefore, under the 7th Section of the Statute (2. Rev. Stat. p. 21)

have made an appropriate order for the care, custody, and maintenance of the infant child.

"For the errors mentioned the Judgment is reversed, and the cause remanded for further proceedings in conformity with this opinion."

A Copy attest. /s/Leslie Combs, C.C.A. [Clerk, Court of Appeals] by R.R. Bolling, D.C.

Mariah Tarter vs. Jacob Tarter: notice

Mr. Jacob Tartar,

I shall on the 5th day of the present Sept. Term of the Pulaski Circuit Court move the judge of said court make an allowance for the support of my child & c. as directed by a judgment of the Court of Appeals in the case of yourself vs me pending in said court. Sept. 26, 1864. /s/ Mariah Tartar

[The following possibly incomplete document appears to be a list of deponents. In the upper lefthand corner of the visible part is "--> x 25", apparently in reference to the number of depositions given. (Some witnesses were deposed more than once.) The list appears as follows.

Joseph [sic] Taylor	1	Martha Tarter	2
Frank Weddle	1	Rutha "	1
Docia Ann "	1	Ann Duck	2
Nancy Warner	1	Chas. Denham	2
Henrietta Weddle	2	Nancy Weddle	1
Arthur McDaniel	1	Newton Tarter	0
Helen Compton	<u>2</u>		23
J. M. Weddle	1		11.50
John Compton	3		3.25
N. (or W.) G. Cundiff	1		10.10
		total	<u>25.85</u> [sic]

[Note: This list of apparent deponents matches neither the actual deponents nor the summons issued. -- jg]

Mariah Tartar ads Jacob Tartar

1860	Order to file notice Ex. on Pltff. 25c, filing 10c	35
	Order filing ans. & cross petition 25c, file 10c, o & c 15c	50
	Order overruling motion 25c	25
1862	Order praying app. 25c, order granting app. 25c	50
March	Order noting filing bill of Exceptions 25c, filing 10c	35
	Copy of transcript for Court of Appeals	15.00
	Order dismissing cross petition	25
	Order moving the court for allowance	25
	Order overruling same	25
	Order moving this court to make allowance to her alimony 25c, order overruling motion 25c	50
1863	Order to file Opinion [of] Court of Appeals 25c, file 10c	35

March	Order to record same 25c, recording 1.00	1.25
1864	Judgt 25c, copy 20c, recording same 50c	95
September	Entries on Judgt Book 60c, [one word] cost 30c	90
	Copy 20c, filing papers 30c	50
	Order app JM Weddle receives in this case	25
	Order that Pltff. pay costs of such	25
	Clerks cost	22.55
	Cost of Depositions	24.85
		Total <u>47.40</u>

Jacob Tartar, Pltff. vs Mariah Tartar, Deft.: Judg't [Not explicitly dated]

This cause having been submitted to the Court for opinion and judgment in pursuance of the opinion of the Court of Appeals and the court being sufficiently advised adjudges that the Pltff. Jacob Tartar pay for the support of the child of Deft, the sum of thirty dollars for the amount due as aforesaid up to the first day of January 1865 and ten dollars for every three months during the year 1855 [*sic*], this first amount to be paid on or before the first day of November 1864 and *this* other amounts as they respectively fall due, and upon his failure so to do, an execution is awarded against him.

By argument of the parties, J. M. Weddle is appointed to collect and pay out the several amount herein adjudged for the support of said child. It is further adjudged that Pltff pay the cost of Deft in *that* expended for her defense & c., the attorneys' fees having been settled.

And the residue of this cause is continued.

To which opinion of the court the Deft. by her counsel *exact*s.

Recorded Book 21, p. 452.

Jacob Tartar,

I shall on the 9th day of the present March term of the Pulaski Circuit Court move the Judge thereof to reinstate the suit of myself against you on the docket and also move for an additional allowance for the support of our child. Mar. 16, 1869. /s/ Mariah Tartar

Mariah Tarter vs Jacob Tarter: Copy of Rule

Pulaski Circuit Court

March Term, 1869

Mariah Tarter, Pltff Against Jacob Tarter, Deft: In Equity

On motion of the Plaintiff by Attorney ordered that this cause be redocketed.

Ordered that the Defendant do appear in this Court on the third day of its next Term and show cause if any he can why an additional allowance should not made the Plaintiff herein for the keeping of the child of the Parties herein. A copy attest /s/ H.G. Trimble C.P.C.C.

I have received a copy of the within and accept the *service* of the same this 9th June 1869. /s/ Jacob <his mark> Tarter

Jacob Tarter, Pltff. gt Maria Tarter, Deft.: Equity

1860 September term

Deft. filed notice Ex. on Pltff. & moved for allowance for support & c.

Book 20 page 226

Pltff. filed reply to Deft.'s X Petition 238 [cross petition --jg] 238

Order overruling Deft.'s motion for support 362

1861 March General Continuance

1862 Judgt. & Deft. prays an appeal -- appeal granted -- Deft. by atty files Bill of Exceptions.

1869 March term Deft. filed notice executed on Pltff. & moved to redocket. Cause order to redocket B 24 P 316 -- 1869
9th June two copies of order issued

1869 Sept. Term Gen'l Court

TARTER v. TARTER

PART II: Petition, Counter Petition, Responses, and Judgment

Tarter v. Tarter: Petition for divorce

1860 May 23rd - filed in Clerk's office Pulaski Circuit Court.

Jacob Tarter, Plaintiff against Mariah Tarter, Defendant: Petition in Equity

The Plaintiff Jacob Tarter states that him & Defendant Mariah Tarter were lawfully married and as man and wife lived together for some [fold in paper -- about four words missing] ...provided for her comfortably and performed all the duties of a husband, but Defendant Mariah Tarter abandoned Pltff without cause or provocation, and lived apart from him some time. She then proposed to return to Pltff's house and again live with Pltff as his wife and Pltff consented. She did return and live with Pltff some short time but about the 16th day of May 1859 more than twelve months ago she abandoned Pltff and left his home with the intention avowed by her not to live with him as his wife and not to return to his home and has continued ever since to live apart and has avowed that she will not live with him. He charges she abandoned him & left his home with the intention not to live with him again & without cause or provocation.

Wherefore he prays Judgment that the marriage contract & rights existing between Pltff & Defendant be dissolved and that he be divorced from her and for such other Judgment as he may *show* himself entitled to. F.M. ___ & _____ Fox, [attys] for Pltff

Mariah Tarter vs. Jacob Tarter: Answer & Cross Petition

filed June 7th, 1860

Jacob Tarter, Pltff. against Mariah Tarter, Deft: Answer & Cross Petition

The Deft Mariah Tarter admits that she and the Pltff were married as stated and that they lived together as husband and wife for some months. She also says it is true that they have not been living together for the last twelve months but she positively denies that she at any time abandoned Pltff.

She states that soon after they were married the Pltff and his family commenced abusing and mistreating her in a very cruel and inhuman manner, and did all they could to annoy and injure Deft, as she believes and charges for the purpose of causing her to leave Pltff.

She states that notwithstanding he had treated her in such a manner, she was still inclined to live with him if she could do so and live with him, but she states that the longer she lived with him, the worse he treated he, and at last tried to compel her to leave his house by threats, persuasions, & c. and at last he come to Somerset and employed a lawyer to draw up an instrument of writing by which they were to live separate and apart from each other, and for doing so he promised and

agreed to give her one hundred dollars and finding his feelings were so adverse to her that she and Pltff signed and executed the writing aforesaid at the time of the separation.

She charges that the separation was effected in the way stated, that their separation was by consent and agreement between the Pltff and Deft, and that she in no other way left the house of Pltff.

She denies that Pltff is entitled to a divorce on any account. She denies that the contract and separation was in any way an abandonment of Pltff. She denies that Pltff has a right to cause her to execute the writing mentioned and then after he had obtained it, it being contrary to the policy of the law, take advantage of it, and in this manner deprive her of her just rights.

She states that by the terms of that writing she was to get one hundred dollars in full of all her claims upon him or his property, but she states that at the time of signing it she was as stated by Pltff a married woman. She therefore pleads this as a bar to that part of the writing. She states that said writing is in the hands of Pltff or some one holding it for his benefit. She calls upon him to produce it and make it a part of this suit.

She further states that at the time she and Pltff separated she was and had been for some months previous and subsequent deranged and did not know what she was doing, and in this condition Pltff with a fraudulent design to obtain a divorce and deprive her of any of his property procured the writing aforesaid.

She states that in August last some three months after they separated she had a child, that Pltff has never furnished anything to her or for the support or maintenance of her child, and refuses to do so, although he has some \$7,000 or \$8,000 in land, negroes, money, & c. She states that ever since they separated she has been supported by her father, and that the Pltff has not paid him anything for so doing, and he has never even paid the physician who waited on her during her confinement but she and her father have had it to pay.

She states that almost ever since she married Pltff her health has been bad, so much so that she has been unable to do much labor.

Therefore she asks that she be allowed out of his property a sufficiency for her and her child's separate maintenance.

The Deft by way of cross petition against Pltff states that she was married as before noted, that soon after their marriage she ascertained the fact that the Pltff was a cross, crabbed and disagreeable old man who had no regard for anything or any one that was not a source of pecuniary profit to him, that he forgot his God and worshiped the almighty dollar, and seemed determined that all who were associated with him should do the same.

She states that she had and still has a delicate constitution and could not endure excessively hard labor, that she did all in her power to make the marriage agreeable, but there was no such thing as pleasing him.

She states that shortly after their marriage the Pltff commenced abusing and mistreating her in such a cruel and inhuman manner as to indicate a settled aversion to her all of which continued more than six months before the separation. She states that she has... [fold in paper; several words missing]

She states that often during the time they lived together Pltff would strike her, throw her down and drag her over the floor, and that *too* while she was *pregnant*.

She states that the Pltff at one time locked up his doors and nailed his windows down to keep her from living with him.

She states that she was so much afraid of her life or of receiving great bodily harm that when he would bring his neighbors there and ask her how he treated her she was afraid to answer in any other way than that it was all right, as he would always in private tell her what he would do if she refused to answer as he directed.

She states that before and since they separated the Pltff kept and still keeps a set of prostitutes about him for the basest purposes, such treatment and conduct all took place in this state.

She therefore prays to be divorced from Pltff whose dollar is his God and whose house is the abode of prostitutes. She prays the court for a judgment against him for \$3,000 and all other proper relief.
Bradley & Bachellor [attys] for Deft

Tarter v Tarter: Answer to Cross Petition, filed Sept. 25, 1860

Jacob Tarter, Pltff. agt Mariah Tarter, Deft.: Answer and Cross Petition

The Pltff Jacob Tarter in answer to the cross petition of the Deft Mariah Tarter says that he denies that soon after they were married he & family commenced abusing and mistreating her in a very cruel & inhuman manner or in any other way,

and denies they did all they could to injure Deft, and deny [sic] that they done it for the purpose of causing her to leave Pltff as charged.

He denies that the longer she lived with him, the worse he treated her and he denies expressly that he tried to compel her to leave his home by threats & persuasions.

He admits that he got the writing charged by Deft but he avers that at the time the writing was drawn, the Defendant was living apart from him having before that abandoned him without cause and being anxious to close the matter without a lawsuit he got the writing drawn, she having agreed that it should be. He avers further that before the writing was signed by Deft she came back to Pltff's home and commenced again to live with him and did for somewhere upward of a month, but in a short time after she came back she told *this* Pltff that she would leave him, that she would not live with him, and she did leave & abandon him as stated in her petition, and after her abandonment of him, she signed the writing and agreed to accept the \$100 which was paid to her.

He denies she made the agreement finding his feelings so adverse to her. He avers she made the agreement because she had abandoned Pltff and was herself unwilling to live with Pltff.

He denies the separation was effected in the way stated in the Deft's cross petition. He denies their separation was by consent & agreement and denies the charges that in no other way she left his home.

He denies that Deft was at the time she separated from Pltff and had been for several months previous & subsequent deranged and did not know what she was doing, and he denies whilst in this condition with a fraudulent design to obtain a divorce and deprive her of any of her property procured the writing aforesaid.

He admits Deft has had a child but he denies that he has never furnished any thing for the support to Pltff [sic] or the child and denies he refused to do so.

He charges that since Deft abandoned him he paid her \$100, all that she required and she signed the writing which is referred to and also gave a receipt which is also referred to, and since the birth of the child, he has sent her bacon, coffee & flour.

He denies that shortly after their marriage he commenced abusing & mistreating her in such a cruel and inhuman manner as to show a settled aversion to her and he denies it continued for six months before the separation as charged.

He denies she was sickly and unable to perform the labors usual with women. He denies he was cross, crabbed & ill to her. He denies he required her to work. He told her to work when she pleased and *play* when she pleased. He denies he ever struck her, threw her down, or dragged her over the floor.

He denies he locked his doors & nailed his windows to prevent Deft from living with him.

He denies she was afraid of her life or bodily harm and he denies he told her in private what he would do if she did not answer as he wanted her to answer questions put to her about his treatment of her as charged.

He denies that before she separated from him and since he has kept a set of prostitutes about him for the basest of purposes. He denies he has kept any about him.

Pltff *here* offers to take and raise the child Deft has had since she left. Pltff is willing to raise & educate it as he can and treat it as his other children.

He states he is a hard working man, always has been, [and] is worth he supposes about \$500 [\$5,000?? -- final zero appears to be marked through -- jg] and not more.

Fox _ [atty] for Pltff

"Jacob Tarter says that he believes the statements in the *above & foregoing manner* are true." /?s/ Jacob Tarter." Sworn to by Jacob Tarter before me the 25th day of Sept. 1860. /s/ J.?B. Crawford, Clk."

Jacob Tarter, Plaintiff against Mariah Tarter, Defendant: In Equity

This case was submitted to the Court by the parties, upon the pleadings, proof and exhibits in the case, for Judgment and the Court being sufficiently advised, orders and adjudges that the marriage contract, entered into between Pltff Jacob Tarter and Defendant Mariah Tarter be annulled, canceled & vacated and that Plaintiff be divorced from Deft Mariah Tarter.

The cross petition of Mariah Tarter against Jacob Tarter is dismissed.

The Defendant Mariah Tarter moved the Court, to make her an allowance for support & maintenance during the *pendency* of this suit which motion was overruled.

To the Judgment of the Court in dismissing the cross petition of Defendant and in overruling her motion for an allowance, the Defendant excepts and prays an appeal to the Court of Appeals which is granted.

[Comments about the above document -- jg

Nowhere in this document does a date appear, either stated or implied. However, I believe the divorce decree was granted in the March, 1862 term of the Pulaski County Circuit Court, based on the text of the judgement and these court entries: "1862 Judgt. & Deft. prays an appeal" (pg. 7, above) and "March 1862 'Order praying app. 25c, order granting app. 25c" (pg. 6).

On 11 December 1870, Jacob Tarter married Polly Ann Bird in Russell County KY. In his will (Russell County KY, Will Book 3, pp. 293-294), written on 21 December 1872, Jacob makes specific reference to "...my two youngest sons (children of my present wife) William Thomas Tarter and Elias Jefferis Tarter...". Jacob died in Russell County in 1874. On 8 January 1878, in Russell County, William D. *[sic]* Tarter, age 17, his mother Polly Ann Tarter consenting, married Sarah Jane Dixon (Marriage Book 5, page ?). If the age given for William is correct, he would have been born in early 1861 *at the latest* and as possibly as early as January, 1860. Assuming a normal nine month term, these parameters fix the date of his conception between late March to early April, 1859 and late March to early April, 1860. These dates are quite interesting in light of a couple of the depositions which follow.]

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Part III.

Depositions

Jacob Tartar vs. Maria Tartar: Depositions of T. Pennington, D. Tartar, I.F. Brown,

filed 27 June 1860. [Taken on behalf of Jacob in relation to Mariah's cross petition. -- jg]

The deposition of Theophilus Pennington taken at E.D. Porch's Examiners Office in Somerset, to be read as evidence in the suit in Equity pending in the Pulaski Circuit Court wherein Jacob Tarter is Pltff and Mariah Tarter Deft in Original Petition, and said Mariah Tarter is Pltff and Jacob Tarter is Defendant on Cross Petition -- taken on 26th day of June 1860.

Ques by Jacob's atty: Did you or did you not have a conversation with Mariah Tarter before she separated from Plaintiff Jacob Tarter? If so, tell what she said in that conversation and when it took place.

Ans: I did have a conversation with her at my house on the Friday before the 16th day of May 1859. She said that it -- Jacob Tarter's house -- did not seem like home to her and never had.

Ques: In that conversation did she or not tell you of the manner which Jacob Tarter all always [*sic*] treated her? If so, tell what she say [*sic*].

Ans: She said that Jacob Tarter had never mistreated her.

Ques: Did she or not tell you she was going to separate from and leave said Tarter?

Ans: I cannot say that she did, but from what she said it appeared that she was not satisfied to live there.

Ques: Did you or not have a conversation with her on the 16th day of May 1859? If so, what was said by her in that conversation?

Ans: I had another conversation with her at her house on the 16th day of May in which conversation she said that Jacob Tarter & his family had always treated her well.

Ques: Did she or not tell you at that time that she was going to separate from and leave said Tarter?

Ans: She did.

Ques: Did she or did she not put up any claim to any part of said Tarter's property?

Ans: She did not except the one hundred dollars he was to give her and some other little things that she named which he had given her and what she brought there with her.

Ques: Did she or not at that time seem to understand the nature of the step or action she was about to take in separating and leaving said Tarter?

Ans: From her conversation I think she did.

Ques: Did she or not at that time sign an instrument of writing, dated 16 May 1860 & witnessed by yourself, I.F. Brown, & D. Tarter? If so, file and make the same a part of your deposition.

Ans: I did sign her name to the instrument of writing described in the above question at her request and she made her mark to it at that time the day it bears date. I adopt and file the same as part of this answer.

Ques by Mariah's atty: At the time of the first conversation, did you not believe from what she said and her manner that she was unhappy with Jacob?

Ans: He conversation showed that she was not satisfied to live there.

Ques: At the time of the first conversation did she or not tell you that she and Jacob had agreed to separate?

Ans: She did not.

Ques: Was or not Jacob and his family or at least a portion of them present at the time of the second conversation?

Ans: Jacob and his sons Westley, Daniel, & Katherine Moledon were present.

Ques: Do you or know [*sic*] the fact that previous to the conversation referred to by you that Jacob had threatened her if she did not say what he wanted her to about his treatment of her?

Ans: I never heard him make any threats of that kind.

Ques: At the time of the second conversation was it or not the very time this writing you refer to was signed by the parties?

Ans: It was.

Ques: Who sent for you to go to Jacob's at the time the writing was executed?

Ans: Jacob's negro man came for me to go.

Ques: What time of day did they send for you?

Ans: It was early in the day, a short time after I had went out from breakfast to my work.

Ques: Who produced the writing to you, the same spoken of above?

Ans: Jacob Tarter is my recollection [of who] gave it to me. The writing was drawn up by Wm. McKee Fox who is present & says it is in his hand writing.

Ques: Does or not the writing contain the contract made between the parties before they separated?

Ans: It contains what they agreed to that morning.

Ques: Previous to the separation, had or not Mariah been deranged?

Ans: I do not know it, only from hearsay.

Ques: Have you or not heard Jacob say she was deranged?

Ans: I have heard him say she was in curious fix in some way.

Ques: Did not Jacob seem anxious to have the writing signed by Mariah?

Ans: They both appeared anxious to give in to it.

Ques: Did you or not have some doubts whether she was capable of executing a writing of this kind, previous to her signing it?

Ans: I did until I asked her some questions.

Ques: What questions did you ask her?

Ans: I asked her if she was in her proper mind at that time.

Ques: Did or not Jacob also at the time the writing was executed say they were going to separate?

Ans: He did.

Ques: Was or not Mariah in the family way at the time they separated?

Ans: She was.

Ques: Has she or not a child about ten or eleven months old?

Ans: She has a child about that old.

Ques: Has Mariah any property?

Ans: If she has, I have no knowledge of it .

Ques: Has or not Pltff Jacob Tarter a good farm, two negroes and good stock on his farm?

Ans: He has.

Ques: Do you know of his having any money on interest? If so, how much?

Ans: He has some, but I cannot say how much.

Ques by Jacob's atty: Did you or not explain the writing you have filed herewith to said Mariah Tarter before she signed it? And did you or not ask her about the condition of her mind before she signed it?

Ans: I did explain the writing to her before she signed it and I did ask her about the condition of her mind before she signed the writing, and she said it was as good as it ever was.

/s/ T. Pennington

Also the deposition of Daniel Tarter taken at the same time & place, and for same purpose.

Ques by Jacob's atty: Did you or not have a conversation with the Deft Mariah Tarter about the 1st May 1859? If so, tell what she said to you at that time about leaving Jacob and her reasons for so doing.

Ans: I had a conversation with her between the 1st and 4th of May 1859 in which she said that she had left Jacob but had come back to see if she could be any better satisfied than she was before, but that she could not enjoy herself there and that she did not think it was right to stay there and that she thought it would be best for them to separate as neither of them could see any satisfaction. This conversation took place at the house of Jacob & Mariah.

Ques: Did she give you any reasons for leaving Jacob the first time she left him, before the 1st of May?

Ans: None, only that she could not be satisfied there.

Ques: Did she or not tell you that Jacob and his family had mistreated her in any manner?

Ans: She said that Jacob and all of his married children had been as good to her as if she had been a child. [Wesley, Jacob's youngest son, apparently still lived at home. -- jg]

Ques: Did she or not tell you at that time that she was not willing to live with Jacob, and that she had better leave him & would not be satisfied unless she did?

Ans: She said that she could not be satisfied and that it would be the best for them to be apart.

Ques: Did she give you any reasons why she was dissatisfied to live with Jacob, and if so, what were they?

Ans: I told her that I expected that my father was too old for her, that when she went to meetings and saw other women of her age with young men their equals in age that it almost broke her heart. She said that was so.

Ques: Are you or not a witness to the instrument of writing signed Jacob Tarter and Mariah Tarter, dated 16 May 1860 & filed in T. Pennington's deposition? If so, tell what passed between the parties at the time said writing was signed.

Ans: I am a witness to the paper named in the question and heard the same conversation the witness Pennington has detailed in his deposition today.

Ques: Please tell what, if anything, Mariah Tarter said to you after the writing was signed about what she had done, or intended to do.

Ans: After the writing had been signed she came into the kitchen where my sister was and said that the *[sic]* she had not earned 50 cents since she had been there, no not one 5 cents but had been an expense instead of a benefit and that we all had been good to her and had treated her well.

Ques: Did she or not tell you at that time, that she must be separated from Jacob before she could be satisfied?

Ans: She said in the 2nd conversation that I had with her on the subject that she had been thinking about it and that she did not think that she ever would be satisfied until they were finally apart.

Ques by Mariah's attorney: At what time did Jacob and Mariah marry?

Ans: They married about the last of October 1858 and separated the last time in May 1859.

Ques: Was or not Mariah weakly and unable to do much work while they lived together?

Ans: She never looked like a very stout woman.

Ques: Are you or not a son of Jacob?

Ans: I am.

Ques: Did not Jacob, your father, request you to talk with Mariah about her leaving?

Ans: He did not.

Ques: Did not Jacob tell you he wanted you to witness the writing referred to?

Ans: He did.

Ques: Did he not tell you he had this paper before Mr. Pennington come there?

Ans: He did. He told me he had it some weeks before the day it was signed and after she had left him the first time and before she had come back to live with him.

Ques: Did you not advise her -- Mariah -- to take the \$100 and sign the writing?

Ans: No sir. I never advised to sign the writing, but I told her if she thought that she would be better satisfied, to take the \$100 and divorce each other and leave.

Ques: Did not your father tell you in substance to persuade Mariah to take the \$100 and leave?

Ans: He never did.

Ques: Did you not want her to take \$100 and leave Jacob?

Ans: Under the circumstances, I did, as I thought they would both be better satisfied.

Ques: Did you and your brothers and sisters or a part of them, consult about getting Mariah to leave, or making her dissatisfied?

Ans: We never did.

Ques: Were you not opposed to her from the time she was married until they separated?

Ans: No sir. I was willing for them to marry and told Father so.

Ques: Did or not Deft Mariah Tarter before they separated want to remain a while longer and Jacob told her that they had better fix it up then?

Ans: I never heard that.

Ques: Do you know of your father's nailing up the windows and locking up the door to keep Mariah from getting in?

Ans: I do not.

Ques: Did you not hear Jacob say he had done so?

Ans: I never did.

Ques: Did you not hear your father say that Mariah had been distracted?

Ans: I never did.

Ques: Did you or not have the above conversation with Mariah about your father in which you spoke about his being old, for the purpose of making her dissatisfied and getting her to leave?

Ans: I did not. I only wanted to ascertain what was the cause of her trouble and I had suspected that to be the cause.

Ques: Did you ever know her to mistreat your father?

Ans: I never did.

Ques: How old is Mariah?

Ans: She is about 27 or 28 years of age.

Ques: Did or not your father have the writing drawn op for the purpose [of] getting Mariah to sign it?

Ans: He said that it would be best for both if she would not live with him.

Ques: Has or not Mariah and her child been living with her father ever since they separated?

Ans: I suppose that she made that her home.

Ques by Jacob's attorney: In the conversation spoken of above between you and your father about the instrument of writing, did he or not tell you

that if she would live with him the writing would do no harm.

Ans: Yes sir, he did.

Ques: Did or did not your father always treat her kindly, and express his willingness and desire to live with her, if she could be satisfied?

Ans: He did.

Ques: Was or was not her conduct for some time before she left him, that of a dissatisfied person?

Ans: She said that she could not see any satisfaction there and did not feel like she ought to stay.

Ques: Was you or not about the house a good deal, if, so, did or did not your father's conduct show a desire and disposition to please her at all times?

Ans: I was about the house very frequently and he always appeared to take great pains to please her.

Ques by Mariah's atty: Do you live with your father or did you at the time they lived together?

Ans: I did not live with him. I lived at my own house.

/s/ Daniel Tartar

Also the deposition of Isaac F. Brown taken at the same time and place for same purpose.

Ques by Jacob's atty: Was you or not a witness to the writing signed by Jacob Tarter and Mariah Tarter, dated 16 May 1859 & filed as an exhibit in this suit?

Ans: I was.

Ques: Was you acquainted with Mariah Tarter before she left Jacob the first time? If so, do you know anything about the reasons which induced her to leave him?

Ans: I had seen her frequently before she left Jacob the first time. I do not know of any reason for her leaving him.

Ques: Did she or not sign the writing spoken of above, willingly?

Ans: She did very willingly as I thought.

Ques: Did she or not say at that time that she could not live satisfied with Jacob?

Ans: She did, & said she thought they had better be separate.

Ques by Mariah's atty: How far did you live from Jacob at the time the writing was signed?

Ans: About one mile.

Ques: Who sent for you to go there?

Ans: I suppose Mr. Tarter sent for me. His black man came for me.

Ques: Did or not Jacob say he wanted her to sign this writing?

Ans: I do not remember whether he said that he wanted her to sign it or not. I think he said that they had concluded to separate and that he wanted some person there to see that he did not wrong her or drive her off.

Ques: Did or not Jacob seem anxious to the writing signed?

Ans: I suppose he did want it signed if she would not live with him.

Ques: Had Jacob said anything to you about witnessing the writing or making any arrangements about their separating before he sent for you that morning?

Ans: He never had in any way.

/s/ I.F. Brown

State of Kentucky, Pulaski County

I, E.D. Porch, Examiner of Pulaski County, do certify that the foregoing Depositions of Theophilus Pennington, Daniel Tarter and I.F. Brown were taken before me, were read to and subscribed by them in my presence at the time & place and in the action mentioned in the caption. Each of the said witnesses having been first sworn by me that the evidence they should each of them give in the action should be the truth, the whole truth and

nothing but the truth and the statements of all the said witnesses were reduced to writing by me in their presence, the Plaintiff & his attorney and the attorney for the Defendant being alone present at the examination.

Given under my hand this 26th day of June 1860.

Witness attendance & mileage \$4.94

Sheriff's fee .25

Examiner's fee (paid) 3.00

\$8.17 /s/ E.D. Porch, Examiner

[A note about the following depositions, which were taken on September 13th through 16th, 1860. Nine were given on behalf of Jacob, ten on behalf of Mariah. Those for Mariah were given on September 13th, 14th, and 16th; those for Jacob on the 14th and 15th. Although the originals are separated by deponents for the Plaintiff (Jacob) and Defendant (Mariah), I have arranged them in approximate chronological order. Apparently, the depositions of the 14th were taken in no particular order; i.e., those for Jacob and those for Mariah were interspersed. -- jg]

Depositions taken 13 September on behalf of Mariah

The deposition of **Joshua Taylor** taken at the Irvine house in Harrison on the 13th day of September 1860 to be read as evidence on behalf of Mariah in a suit in equity pending in the Pulaski circuit court in which Jacob Tarter is Pltff and Maria Tarter is Deft.

Deponent being first sworn, states:

Ques by Mariah's atty: How long have you been acquainted with Mariah?

Ans: Between eight & nine years.

Ques: Are you or not a practicing physician?

Ans: I am.

Ques: Did you or not frequently see Mariah from the time she married Jacob until after she was delivered of her child?

Ans: I did.

Ques: State what the condition of her mind was during that time.

Ans: I saw her at times when I thought she was in a reasonable state of mind, at other times she was very flighty. My impression was that her derangement was caused by her being in a pregnant situation.

Ques: If you had any conversation with the Pltff about her condition tell what it was and what he said.

Ans: I was called to his house during the time she lived with him and found her condition tolerably bad. The muscles of her face was contracted, her tongue swelled and out of her mouth and she could not easily get it back. Jacob appeared attentive to her while in my presence and seemed somewhat alarmed over it. I then gave him my opinion relative to the cause after I had got the muscles relaxed, told him he ought to treat her kindly with no rashness, and he replied that he had only once, the cause of that being that he had made a search for her in both houses and ultimately found her under the bed. He then caught her as he said by the heels and dragged her out and scolded her pretty sharply, and said the reason he did that he thought the scolding might have a good bearing on her.

Ques: What did he say about her being bewitched?

Ans: He said a Mr. Parton and Mr. Medlock who were witch doctors had been there and thought she was bewitched. Jacob did not say she was bewitched but seemed to believe she was from the way he spoke about it.

Ques: Is it or not sometimes the case that women in her condition become deranged for the time being, and recover entirely from it after a few months?

Ans: It certainly is, and which was the case with her.

Ques: Did she or not recover from derangement until after the birth of her child?

Ans: I think not. I think she was flighty at time, and at other time, talked very reasonably.

Ques: Did you wait on her at the time of her confinement?

Ans: I did.

Ques: Who paid you for it?

Ans: She paid me for it.

Ques: Had she or not lived at her father's house several months previous to the birth of her child?

Ans: She had, I think. I had attended off and on during her illness while there.

Ques by Jacob's atty: Was you or not acquainted with the Deft Mariah Tarter before she was married to Jacob? If so, what was the condition of her mind before her marriage?

Ans: I was acquainted with her before her marriage, and her mind was reasonable, there was a difference in her mind before and after her marriage.

Ques: How many times did you see her while she was living with Jacob?

Ans: I saw her frequently.

Ques: When you was called to see her at the time referred to when she was sick, was or was not Jacob kind and attentive to her?

Ans: He was. He appeared to treat her very tenderly.

Ques: Did you see Mariah during the time she first left Jacob?

Ans: I think I did. I think I was instrumental in getting them together.

Ques: What reasons did she give for leaving Jacob?

Ans: She said she had become dissatisfied and could not account for it. She had strove against it, but could not help it.

Ques: Did she or not tell you at that time that Jacob had been good to her and always treated her well?

Ans: She told me in my house that the Jacob had been good to her, and that she had been good to him.

Ques: How long was it after the final separation, was it before the birth of her child?

Ans: I don't know.

Ques: How was it you persuaded her to go back and live with Jacob?:

Ans: I tried to get her to go back by persuading her it would be better for them back. [sic]

Ques: Are you or not a witness to an article of writing signed "Mariah 'her X mark' Tarter" and witnessed by C.J. Sievers & yourself, dated 31 day of May 1859 & marked (A) now before you?

Ans: The article referred to is before me. The defendant Mariah Tarter signed the same or made her mark to it, in my house & I file the same as part of this my deposition. She contended for more, but Jacob said that they had made a contract and she must stand up to her contract as he would to his. She then agreed to sign it.

Ques: What was the condition of her mind at the time she signed said writing?

Ans: She appeared to be in her reasonable mind on that day. [Marked out, following the words "She appeared...": ...like she was coming pretty much to her reason at that time. --jg]

Ques: Did she or not seem to understand what she was doing at that time?

Ans: I thought so.

Ques: Are you or not well acquainted with the Plaintiff Jacob Tarter? If so, how long have you known him, and how far do you live from him?

Ans: I have known him between eight & nine years. I live about three miles from him.

Ques: Did you or not ever hear of his keeping a set of prostitutes about his house before or since his marriage with Mariah?

Ans: I have heard such rumors.

Ques: When was it you heard such rumors?

Ans: I heard it sometime back & I heard it recently.

Ques: From whom did you hear it?

Ans: I do think it would be prudent for me to tell. I don't anything [sic] about the fact myself. I never saw the least harm of Jacob in the world.

Ques: Do you or know of Jacob furnishing flour, bacon, meal & coffee to Mariah since the separation?

Ans: I thinks she told me he had sent her some meat, and probably meal, flour, and coffee, some small amount at one time.

Ques by Mariah's atty: Does or not rumor say that Jacob keeps prostitutes about him and that he is a bad man in that way?

Ans: I have heard such rumors on him.

Ques: At the time Mariah signed the writing referred to, was she or not the wife of Jacob?

Ans: I think so.

Ques: Jacob[s atty] asked you if Mariah did not say that Jacob had always treated her well. State whether or not she also said that they had made an agreement not to talk about each other.

Ans: She said that was their contract and that she was afraid to do otherwise until he commenced talking about her.

Ques: Was or not the condition of Mariah's mind at the time she signed the writing such that she could be easily persuaded to do what she otherwise would not have done?

Ans: I thought on that day that she was in a reasonable state of mind but her body was weak, and her mind would consequently be somewhat so.

Ques by Jacob's atty: Did you or not hear Mariah object to living with Jacob because he had prostitutes about him?

Ans: Not directly but indirectly. She did not come out positively plain.

Ques: Have you or not heard more about his keeping prostitutes about his house since this difficulty between him and his wife than before?

Ans: I think I have.

Ques: Does or does not Mariah Tarter, and her father & family live very close neighbors to you?

Ans: They do, about ½ mile.

/s/ Joshua Taylor

Also the deposition of Franklin Weddle taken at the same time and place and for the purposes before stated, who being first sworn, states:

Ques by Mariah's atty: How far do you live from Jacob?

Ans: About one mile and a half.

Ques: If you ever heard Jacob say anything about locking up his door you will please tell what it [was].

Ans: I heard him say that he locked his door & nailed shut his windows and told his negroes if Mariah or her father's folks come then to take a stick and make them leave. I heard him say last winter that he locked the doors last fall in 1859.

Ques: If you at any other time heard him say anything about her you will tell what it was.

Ans: I heard him say that he told her if she did not quit having such spells, and asked what he could do if he turned his negroes against her.

Ques: Did you hear Jacob say anything about having money to spend? If so, how much? Tell what he said.

Ans: He said he had \$1,500 and his black horse that he intended to spend over this suit.

Ques: If you know about Jacob having bad women (prostitutes) about him, you will tell all about it.

Ans: I know nothing about it only from what I have heard others say..

Ques: Did you hear Jacob say anything about dragging Mariah out from under the bed?

Ans: I heard him say he inquired about where she was and he was told she was upstairs, but he could not find her in the bed but found her under it and he dragged her out.

Ques: Do you know of Jacob's family mistreating or talking about Mariah?

Ans: I don't know of their mistreating her. I heard one of them talk about her after the child was born.

Ques: Do you know about Jacob's nailing the windows & doors?

Ans: I heard him say that he nailed the windows and locked the doors to keep her out.

Ques by Jacob's atty: What time was it, that Jacob & Mariah separated?

Ans: I think it was about May 1859.

Ques: What time was it that Jacob said he locked his doors and nailed up his windows, and told his negroes if Mariah or her father's folks come to take a stick to them?

Ans: It was last fall, in the forepart of the fall.

Ques: Who was present when you had the conversations detailed by you with Jacob?

Ans: There was no one present, it was at my house.

Ques: Did you or not hear the Deft Mariah Tarter speak of Jacob's treatment towards her? If so, what was it?

Ans: She said he had treated her mighty well.

Ques: Did you or not ever see prostitutes about Jacob's house?

Ans: No sir.

Ques: What reasons did Mariah give for refusing to live with Jacob?

Ans: She said she believed she could have lived with him and been satisfied if it had not been for the child.

Ques: Did she or not refuse to live with him because she was in the family way?

Ans: No sir I reckon not. She said she could live with him, if it were not for that.

Ques: What difference is there in the ages of Jacob & Mariah?

Ans: She is about 27 years old and he is about 63 or 64 years old.

Ques by Mariah's atty: Did or not Mariah also state that when she became pregnant that she was unable to work and that that was one cause of Jacob's disagreeing with her or words to that effect?

Ans: I have heard her say she could not work when she had those spells on her. I never heard her say that she [*sic*] complained of her for not working.

/s/ Franklin Weddle

Also the deposition of Docia Ann Weddle when as before stated, who being first sworn, states:

Ques by Mariah's atty: If you know about Jacob's nailing up his house to keep his wife Mariah out, you will please state all about it.

Ans: I heard him say that he had nailed up his windows and locked up his doors and told his negroes that if Mariah or any of her folks come there to break in to take a stick and make them leave. This was after she left him.

Ques: Do you know about Jacob and Mariah's making an agreement not to talk about each other only in a friendly manner? If so, state all about it.

Ans: I heard nothing except what she said that I now recollect.

Ques: Were you at Jacob's at any time when Mariah had one of her bad spells?

Ans: I never saw her have one of them.

Ques by Jacob's atty: In the conversation you had with Jacob, did he or not say that it was last fall that he nailed his windows & locked up his doors, after Mariah had left him?

Ans: He said it was last fall, after Mariah had left him.

Ques [marked out]: Did or did not Jacob in that conversation tell you that he had always treated Mariah well?

Ans [marked out]: He said he never mistreated her.

Ques by Mariah's atty: At the times he spoke about locking up his door, did he or not seem excited and in ill humor with his wife?

Ans: I cannot say whether he was or not.

/s/ Docia Ann Weddle

Also the deposition of Nancy Warner when as before stated, who being first sworn, states:

Ques by Mariah's atty: If you lived with Jacob after his marriage with Mariah, you will please tell how long.

Ans: I lived there about three months.

Ques: Tell all you know about his treatment of Mariah.

Ans: He told her at one time when she had one of her bad spells when she could not work, that if she did not do better he would put her on a horse and take her a country way far from home, and leave her. Mariah told him he could not and he said he could, that he would get Wesley, his son, and Henry, his negro boy, to help him.

At another time, she wanted to go to a quilting at his sister's where she was invited, and he would not let her go, but sat on her down in her lap and asked her what she would take to leave him. She replied that she would not take anything. He then offered her one hundred and fifty dollars, the money he was to get for a horse, if she would leave him, but she refused.

He would get mad at her when she left without letting him know where she was going. He got mad and complained to me because she did not let him or Wes know that she was going to his son Iva Tarter's. They were in the field when she took the notion of going. That was the reason she did not let them know.

He told her that he could turn the negroes and Wes against her and he went out when Wes went to feed the calves and she supposes he did, for they remained about an hour and when they returned Wesley's countenance was changed and he took a chair and laid it down on the floor, which he had not done before while we were there. After that, Wes never had much to say to her. He said to her at one time that he would be good to her when the world was about, but did not say what he would do when no one was about. She said to him not to talk so to her, that she weak minded and could not bear much. This was when she was sick. He would then say he was sorry for what he had said and he would not do so again until he got mad again.

He would throw up to her that she come there with nothing, and that [*sic*] would say to her that he had taken her out of the ashes.

Ques: Do you recollect about his saying anything to her about not working? If so, what was it?

Ans: He would sometimes tell her when he was in a good humor that he did not want her to work, and at other times he would say that she way lying round there and nothing was going on.

Ques: Was she or not able to work much during the time while you were there?

Ans: A part of the time she could. She worked when she was able.

Ques: What kind of man is Jacob about his house? Did he let his wife manage the household affairs, or did he want to control them?

Ans: He wanted to control them. He thought he knew more than she did about the house.

Ques: From the fact of your living about his house and being with Jacob, are you or not pretty well acquainted with his disposition?

Ans: I am. He would meddle about things about the house that he had no business to. Mariah had not been used to men meddling with things about the house.

Ques: From your knowledge of his disposition and manner of getting along, do you or not believe that any woman who had the proper respect for her rights and privileges, could get along in peace with him?

Ans: I don't think they could.

Ques: Is or not Jacob of a fretful, peevish disposition?

Ans: He is.

Ques: From Jacob's manner of treating Mariah and his disposition, do you or not believe Mariah could live with Jacob without destroying permanently her peace and happiness?

Ans: I don't think she could.

Ques by Jacob's atty: Are you or not the sister of the Deft Mariah Tarter?

Ans: I am.

Ques: Have you or not said, since the separation between Jacob and your sister, that he was kinder to her than he ought to have been?

Ans: I have no recollection that I ever did.

Ques: What was the condition of Mariah's health at the time you say she wanted to go to Jacob's sister's and he refused? Was it or not very cold weather the day she wanted to go?

Ans: About like it commonly was. I don't know that she was sick. It was very cold weather.

Ques: Was or not the general treatment of Jacob toward your sister kind and affectionate?

Ans: Sometimes it was and sometimes it was not.

Ques: Are or not the instances you have named the only times he mistreated [her] while you were with them?

Ans: I have given all the times he mistreated her while I was with them, to the best of my knowledge.

Ques: Did you or not see Jacob at any time offer to strike your sister?

Ans: No sir.

Ques: Why [is] it that you say Mariah could not live with Jacob without destroying permanently her peace and happiness?

Ans: I don't think she could because he would meddle too much about the house in women's affairs, in cooking, washing and mending of clothes. I don't think that becomes any man.

Ques: Did or did not Jacob tell Mariah not to work unless she felt like it?

Ans: He would tell her that when she could work, and when she could not work, he would tell her the other way.

Ques: Was you or not treated very well kindly while you was Jacob's house?

Ans: He treated me very well.

Ques: Have you or not assisted Jacob at different times to talk to Mariah and make ...[remainder of this photocopy page (about 1/3 page), is a duplication of part of the second photocopy page following. -- jg]

Ques: What sewing did she do?

Ans: She made some window curtains, a bed ruffle and a sheet.

Ques: Did or did not Jacob's negroes wait on Mariah very well?

Ans: Yes sir.

Ques: When was it that your sister left Jacob the first time? Was you at his house?

Ans: She left him the first time about three months after their marriage. I was at the house & went with her.

Ques: Did or did not Jacob try to get her to stay with him at the time she left?

Ans: I don't know.

Ques: Was or was not your sister very often cross and ill-natured towards Jacob, and did she or not do a great many things to annoy him?

Ans: Not in my presence.

Ques: Was she or not always in a good humor, pleasant and agreeable?

Ans: Not all the time exactly. When he would get in a bad humor and talk to her in a short angry way, she would talk back, like most every woman does.

Ques: At the time you speak of Jacob's offering Mariah one hundred and fifty dollars to leave him, was he or not jesting with her?

Ans: I don't think he was.

Ques: Did you or not say he was sitting on her lap at the time?

Ans: He was.

Ques: At the time you say Mariah left Jacob, what reason did she give for leaving?

Ans: One reason was she was not satisfied to stay there.

Ques: Was Jacob at home when she left?

Ans: He was.

Ques: Did you ever know of Jacob mistreating Mariah in any cruel or inhuman manner?

Ans: No more than what I have told.

Ques: How long was it after they were married before the first disagreement took place between them?

Ans: About one month.

Ques: What did that take place over?

Ans: About what I stated in my first answer.

Ques: Have you or not a great deal of feeling for your sister in this suit?

Ans: Of course I have.

Ques by Mariah's atty: Did or did not Mariah cook and assist with cooking when she was able to?

Ans: She did.

Ques: Did or did not one principal cause of Jacob's dislike of Mariah originate from the fact that she was not able to do much work?

Ans: It did. When she was not at hard work he did not seem to like it though he did not say very much before me.

Ques: From the appearance of Mariah and the condition she was in, did or not Mariah do all she was able to do?

Ans: I think she did.

Ques by Jacob's atty: While you was at Jacob's, did you or not see or know of any prostitutes being about his house?

Ans: No sir, not while I was there.

/s/ Nancy Warner

Adjournment until tomorrow the 14th Sept. 1860. /s/ C.B. Bachellor, Exam.

Met [Sept. 14th] pursuant to adjournment. [Depositions taken on behalf of Mariah -- continued.]

Also the deposition of Henrietta Weddle taken as before stated, who being first sworn, states:

Ques by Mariah's atty: Please state how long you have been acquainted with Mariah and how far you have lived from her most of the time.

Ans: Eight or nine years, and have lived in about a half a mile from her.

Ques: Have you or not been very well acquainted with Mariah?

Ans: I have.

Ques: Were you at Jacob's house during the time Jacob and Mariah lived together?

Ans: I was at their house. I was there soon after they were married, and my husband and myself said [*sic* -- should be "staid" (stayed)?] there one night after they had been parted the first time. They were living together at both times I was there.

Ques: What was the condition of Mariah's mind the last time you were there?

Ans: I thought she did not appear as she did the first time I was there or before she was married. She looked queer out of her eyes and talked strange. She did not talk or look as she did before she was married. We went outdoors and she look[ed] at me so and talked in such a way that I was afraid of her and went into the house.

Ques: Did her eyes look like she was pleased, mad, or deranged?

Ans: She did not look like she was mad but her eyes looked wild and curious.

Ques: Had you ever seen her before when she had the appearance she did at that time?

Ans: I saw her at one time at her father's when Dr. Taylor was there. She had generally before been lively and talkative, but that day she would have but little to say and looked wild and strange out of her eyes, and said she was going to die. This was shortly after she left Jacob the first time. I remained all day. She looked very badly. She had fallen away and did not look like she used to.

Ques: What did you hear Jacob say about fastening up his door the second time you were there?

Ans: Jacob showed me at that time how he had his door fixed with pieces across it to keep his wife from breaking in when she was away. He said

that Mariah knew where he kept his money and he did not know what she might do. He said he fixed the doors in that way after she had left him the first time.

Ques: How long was this after she went back to live with him that this conversation occurred?

Ans: I don't think she had been back long.

Ques: Was Mariah at your house about the time Jacob and Mariah separated the last time?

Ans: She was there several times after she left him.

Ques: Was she there the day she signed the receipt or contract to separate and by which she was to get one hundred dollars?

Ans: She come by there the day she was at Dr. Taylor's and said she had signed the writing. [Notation in the margin of this response: "Excepted to."]

Ques: How long did she remain there?

Ans: I can't tell, but she did not stay very long. She went home that evening.

Ques: What was her appearance that day? Did she or not seem in her right mind?

Ans: I don't know. She talked about as she had, and said she was going to die. She said she did not want any of his property.

Ques: Did she seem right and properly at herself from the time you were there last until after the birth of her child?

Ans: I did not see her during that time that she looked and talked like she used to. She would talk at times sensibly about things and then she would talk about strange things. She did not look or talk like as she did before or at this time.

Ques by Jacob's atty: During the times you say you were at Jacob's house, did or did not Jacob treat Mariah kindly and well?

Ans: He did treat her as well as any person could.

Ques: Do you know what day Deft Mariah signed the writing Mariah's attorney asked you about, except from what the Deft Mariah told you herself?

Ans: I do not except her telling me.

Ques: At the different times you saw the Deft Mariah after her first separation from Jacob, did she or not seem always to know what she was doing?

Ans: I don't believe she did sometimes.

Ques: Please tell what time she did not know what she was doing.

Ans: The day I went to her father's.

Ques: Was it or not after she left Jacob the last time that you saw her at her father's?

Ans: It was after she had left him the first time.

Ques: When was the first time you discovered that Mariah was in the strange condition you have spoken of?

Ans: The time I saw her at her father's.

Ques: Did you or not see her the day she left Jacob the first time?

Ans: No sir.

Ques: Was or was not Jacob and Mariah living pleasantly together both times you were at Jacob's house?

Ans: Yes sir.

Ques by Mariah's atty: Did you or not see Mariah at Dr. Taylor's the day she was at your house, the same time she spoke about the writing?

Ans: I saw her from our house over there.

/s/ Henrietta Weddle

Also the deposition of Arthur McDaniel taken as before stated, who being first sworn, states:

Ques by Mariah's atty: Did you see Mariah shortly after she and Jacob had separated the last time?

Ans: I did.

Ques: What [was] the condition of her mind at that time?

Ans: I was tolerably well acquainted with her and from the way she talked and acted, I thought she was not in her right mind.

Ques: Did you discover change in the looks of her eyes at that time?

Ans: I did. She had a wild flighty look.

/s/ Arthur McDaniel

Also the deposition of Helen Compton taken as before stated, who first being sworn, states:

Ques by Mariah's atty: Did you see Mariah at the time she was living with Jacob? If so, what was the condition of her mind?

Ans: I saw her several times. I saw [her] in a short time after she was married and she seemed like she was in her right mind, but at other times she did not seem to be in her right mind. She was not as she had been.

Ques: Did you see her at Jacob's house while [she] was sick? If so, how was she affected and what was done?

Ans: Mrs. Moulden, who has given her deposition [next group -- jg] in this case, and myself went to see her. When we went in she was in the bed and spoke very loud to me and acted so curious I was frightened and asked Jacob what was the matter and he said she had been trying to get out and into the woods all day, that she [*sic*] told her she must put her shoes on, but she wanted to go barefooted. I asked him if she would not go distracted and he said what is she now but a distracted woman.

Ques: Did she or not get worse after you first went there?

Ans: I think she was just taking a bad spell when I got there.

Ques: What was said or done about sending for a doctor?

Ans: Jacob said something about her being bewitched, but I won't say that he said she was so, but he said if he knew of a witch doctor he would send for one. I referred him to Arch Parton as a witch Doctor. Jacob sent after Parton. I saw him coming back. I did not see him going there.

Ques: Did you hear Jacob say anything about taking Mariah out of his house and locking up the doors? If so, you will please tell what it was.

Ans: I heard him say he took her out of the house or made her go out of it, and he locked the door and told her if she laid down she should have to on the floor. He said she did lay down there. Jacob said that Mariah said she couldn't sit up at all and laid down. He told this to me and my mother. This conversation was while she was living with him the last time.

Ques: How long have you been acquainted with Mariah?

Ans: Almost as long as anyone I know.

Ques: Was she or not sickly and in bad health nearly all the time Jacob and Mariah lived together?

Ans: She was so far as I could hear.

Ques: From a short time after they were married up to the time they separated last, what was the condition of her mind?

Ans: She was not like she had been. She seemed to be in a curious fix.

Ques: Did [you] at any other time hear Jacob say that Mariah was deranged?

Ans: I don't know that I did.

Ques by Jacob's atty: At the time you say you went to Jacob's house & found Mariah in bed, how long did she stay in bed after you went?

Ans: She stayed in bed except a few minutes, when she went back to bed.

Ques: Did you or not advise Jacob to send for the witch doctor?

Ans: I believe I did.

Ques: What did you think was the matter with her?

Ans: I did not know. I thought she was deranged. I don't suppose she [was] bewitched.

Ques: Was or was not Jacob kind and attentive to her while you were there?

Ans: He was.

Ques: Are you friendly with Jacob?

Ans: We have not been quite as friendly since last fall as before.

Ques: Have you or not said that you wished Mariah could break Jacob up by this suit?

Ans: I might have said it. I don't recollect that I have, but I might.

Ques: How far do you live from Jacob?

Ans: About one mile.

Ques: Is or is not the Deft Mariah a remarkably good tempered woman?

Ans: I don't much about Mariah's temper. She always appears in a good humor when I am with her.

Ques: In the conversation you have given above with Jacob, did he or not tell you that he would wait on and attend to Mariah well?

Ans: He said he would wait on her and do what he could for her.

Ques: Did he or not tell you that he always [had] *been* kind to her in that conversation?

Ans: I believe he did. He said nothing to the contrary.

Ques by Mariah's atty: Is or is not Jacob a shrewd, cunning old fellow and not apt to say much against his own interest?

Ans: I don't know. He bears that name, I believe.

Ques: In the conversation in which you say you believe you advised Jacob to send for Parton, did you or not also say that if she was bewitched you would send for him?

Ans: I told him if he thought she was bewitched, I would if I was in his place send for him.

/s/ Helen Compton

Also the deposition of John Tarter when as before stated, who being sworn states:

Ques by Mariah's atty: How long have you been acquainted with Jacob?

Ans: I have been acquainted with him about forty-five or fifty years.

Ques: How far have you lived from him for the last ten years?

Ans: About a mile.

Ques: Are you acquainted with the disposition of Jacob?

Ans: Tolerably well, I reckon.

Ques: What kind of disposition has he?

Ans: I don't know that he is more than common.

Ques: Do you know how he has treated his wives? If so, has it been kind and good or the opposite?

Ans: I don't know that treated his first wife bad in all respects, he did in some. I was not about the house enough to know how he treated his last wife, Mariah.

Ques: Was he or not during the time you knew about his treatment, finding fault with his wife, requiring more of her than he ought, and meddling about the business of his wife in her house?

Ans: I don't know that the most fault she found with him was about the house. I think she did about as she pleased in that.

Ques: In what way did he mistreat his first wife?

Ans: It was in running after bad women, I expect.

Ques: Has or not that been his general reputation for several years past?

Ans: It has.

Ques by Jacob's atty: Do you know anything of his treatment to his last wife?

Ans: I do not.

Ques: Did you or not ever see any bad women about Jacob's house, or did you ever see him after them?

Ans: I have seen some about his house, and he has told me about being after them.

Ques: How long ago has that been?

Ans: It has not been in the last four years.

Ques: Has Jacob told you anything of that sort in the last 10 years?

Ans: I don't recollect.

Ques: Are you friendly with Jacob?

Ans: Not as friendly as we have been.

Ques: Who had you summoned as a witness?

Ans: I wasn't summoned at all.

Ques: Who asked you to give your deposition?

Ans: Mr. Bachellor, Mariah's attorney.

Ques: Who have you talked to on this subject since the difficulty between Jacob and his wife?

Ans: What little talk I had about it was to J. M. Weddle.

Ques: How often have you visited Jacob's family in the last five years?

Ans: I was there at the time of his wife's death, and I have been there several times.

Ques by Mariah's atty: Did Mariah's attorney ever say anything to you about giving your deposition only what was said in the presence of Jacob and his attorney?

Ans: He never did.

Ques: Have you seen any bad women about Jacob's house within the past two years?

Ans: I don't know that I can tell you about that. I may and may not. I have not been in his house much for a year or two or maybe longer.

Ques: Did J. M. Weddle ask you to be a witness or ask you what you knew about this case?

Ans: He did not.

Ques: Did you or not come to take your daughters who had been summoned here, home?

Ans: That was my business.

Ques by Jacob's atty: Did you or not tell Mr. Bachellor what you knew before you gave your deposition?

Ans: I did not.

/s/ John Tarter

Adjourned until tomorrow the 16th *[sic]* inst. /s/ C.B. Bachellor

Depositions taken 14 September on behalf of Jacob

The deposition of C.J. Sievers taken at Harrison, Pulaski County, Ky on 14th day of September 1860 by agreement of parties, both parties being present, to be read as evidence in a suit in Equity pending in the Pulaski Circuit Court wherein Jacob Tarter is Plaintiff and Mariah Tarter is Deft.

Ques by Jacob's atty: Are you or not a witness to an article of writing dated 31 day of May 1859, [see page 1 -- jg] signed "Mariah 'her X mark' Tarter" & made a part of Joshua Taylor's deposition? If so, did or did not said Deft Mariah Tarter direct & request her name to be signed to said writing? Please make said writing a part of your deposition.

Ans: I am a witness to said writing referred to. I saw said Mariah Tarter, I am [sic] said Mariah Tarter requested me to sign her name to it. I make the same a part of my deposition.

Ques: Are you or not well acquainted with Mariah?

Ans: I am.

Ques: What was the condition of her mind at the time she signed said writing?

Ans: I thought if she was ever in her right mind, it was that day. I saw no alteration in her mind.

Ques: Did she or not seem to be perfectly sensible of what she was doing?

Ans: It appeared that way to me.

Ques by Mariah's atty: How long were you present with her at the time she signed it?

Ans: Perhaps ten minutes.

Ques: Where was it signed?

Ans: At the house of Dr. J. Taylor in this place.

Ques: Did you pay any particular attention to the condition of her mind at that time?

Ans: I did not any more that at other times.

Ques by Jacob's atty: Did you or not read over the writing before she requested you to sign her name to it?

Ans: I did.

Ques: How long have you been acquainted with the Deft Mariah?

Ans: Some six years.

Ques by Mariah's atty: Did you hear Mariah say anything of any consequence while you were there except to consent for you to write the agreement and to sign her name to it?

Ans: I don't recollect of any other communication past.

/s/ C.J. Sievers

Also the deposition of Catherine Molden taken at the same time & place for same purpose.

Ques by Jacob's atty: Are you or not the daughter of Jacob? If so, how far do you live from him?

Ans: I am his daughter and live about one half mile from him.

Ques: Did you or not see the Deft Mariah Tarter after she had left Jacob? If so, tell what she said were the reasons that made her leave him.

Ans: I was there the day she left him. She said the reason she left him, was because young folks could not love old folks, and she could not love him. She said, he had always treated her well, and that all the family, even the black ones, had treated her well. She said, "Lord Jesus Christ" if I leave him I can't get anybody else, from the way I have acted. She said, if I loved him as much as the end of my little finger nail it would be some comfort to me, but I can't. She said, so she saw satisfaction, she would kick him every day.

Ques: Did she or not tell you that she could not live with Jacob, and there was no use in trying?

Ans: She told me that. She said she could not love him. She said when she left him, that no body should ever persuade her to go back and live with him again.

Ques: What did she say about the condition of her mind?

Ans: On the day she left, there was something said about Jack Weddle's coming. She said she knew the reason, that Jack Weddle wanted her to get more than she was getting. She said she ought not to have a cent, as she had not earned a cent, but if he wanted to give her a hundred dollars she would take it, as it was no bodies business but her own. She said she did not want Jack Weddle to hear of this as it would make a fuss. She said, she had her knowledge, as well as she ever had it. She was asked if she knew what she was doing, and she said yes.

Ques by Mariah's atty: Was there any hard feelings or words passed between you and Mariah when she made the statements you have given above?

Ans: There was none that I know of.

Ques: Who was present when Mariah made the statement you have spoken of?

Ans: There was no one at the time she spoke about leaving but Mariah and myself. When she spoke about her mind, Mr. Pennington, my brother Daniel and father, and Mr. Brown were present.

Ques: How come Mariah to be telling you that she did not love Jacob?

Ans: She said that they need not employ a Doctor to see her, that there was nothing the matter with her, that she was as hearty as she ever was and that it was spending money for nothing to doctor her, that no doctor could cure her, that what was the matter with her was that she did not love him, Jacob, that was what made her study so, that gave her so much trouble and threw her in bed.

Ques: Was you or not at that time trying to persuade her to leave Jacob?

Ans: I was not. I told her that for my father's sake, I wished her to live with him and I would forgive her for all she had done, and give up all claims to his property.

Ques: When she talked as you say about kicking your father, did you hear all this quietly without getting excited or mad?

Ans: I was not mad at all.

Ques: Did you ever tell what you have stated about Mr. Weddle before today? If so, to whom?

Ans: I think I have told it [to] Frank and Docia Ann Weddle and may be others. I can't tell who.

Ques: You speak about Mariah's saying she had her knowledge as good as ever she did. Did you ever see a deranged person who said they were not so?

Ans: I don't know anything about deranged people.

Ques: Did you ever see Mariah in her bad spells?

Ans: I saw after she had taken one of them. She had one of them then.

Ques: Don't you know that Jacob got some witch doctors to see Mariah?

Ans: I heard of Dr. Parton's going there. I heard of Dr. Medlock giving her bitters.

Ques: Did you not hear Jacob say that he thought she was bewitched?

Ans: I was there one time when she had a bad spell, and Jacob asked Mariah if he should tell what she said, and at first she said not for the thought it might make a fuss if it got out, but finally she consented for him to tell it and he said Mariah thought she was bewitched sometimes, and Mariah said she thought sometimes she was. That if I ever heard Jacob say she was bewitched I have forgotten it.

Ques: Did you or not hear Jacob say that Mariah was deranged?

Ans: I have no recollection of hearing him say it.

Ques: Did you or not hear him say that nothing was the matter with Mariah?

Ans: I never heard him say anything was the matter with her, except that sometimes at night she would say her breast hurt her and he would lay and rub it. I think I heard him say that she did not do right or act right.

Ques: You never heard him say anything about her in any way, did you, except what you have told?

Ans: I don't recollect that I ever did at this time.

Ques by Jacob's atty: Has or has not the Deft Mariah told you at different times that Jacob, your father, treated her well?

Ans: I never heard her say anything but that he treated her well.

/s/ Catharine Moulding

Also the deposition of Polly Pennington taken at the same time & place for the same purpose.

Ques by Jacob's atty: Have you or not had a communication with the Deft Mariah about the manner in which Jacob treated her? If so, tell what she said.

Ans: Just before they parted the last time, I heard her say that he was good to her, and that they were all good to her, in fact, too good.

Ques: What reasons did she give you for leaving him?

Ans: She said she did not feel free there, that she could not like him, that she did not like being there, that young folks suited young folks and that old folks suited old folks.

Ques: Did she or not say that she could not love him?

Ans: She said she could not love, she did not feel right, that she thought he looked better when she married him, than he did then.

Ques: Have you or not heard Nancy Warner, who has given her deposition, say that Jacob treated his wife Mariah well?

Ans: After they were married a while, I heard her say that they all were good to Mariah, and how much pleasure Mariah could see as they *well* all so good to her. I have not heard her say anything about it since they parted.

Ques by Mariah's atty: Did you see Mariah at time while she was sick at Jacob's home?

Ans: I was there one time. She was in bed when I went but got up and smoked and ate. I thought she had been sick.

Ques: Do you or not know that Jacob is inclined to be fretful and cross about his house, and inclined to find fault?

Ans: I don't that he is more so than others, and not so much as some.

Ques by Jacob's atty: Have you or not been about Jacob's house a good deal? If so, was he always kind, attentive, and affectionate to his wife?

Ans: He always appeared so, and her to him. They seemed to get along mighty well.

/s/ Polly Pennington

Also the deposition of James S. Weddle taken at the same time and place for the same purpose.

Ques by Jacob's atty: Are you or not well acquainted with the Pltff Jacob Tarter? If so, how long have you known him, and how near do you or have you lived to him?

Ans: I have known him as long as I have known anyone. I am well acquainted with him. I have always lived in about two miles of him.

Ques: Have you or not ever heard anything said about Jacob's having or keeping prostitutes about his house, until after this suit was brought?

Ans: I never heard anything of that kind until after him and his last wife was married. I don't know whether this suit was brought or not.

Ques by Mariah's atty: Is or is not the general reputation of Jacob that he is a bad man after women?

Ans: That is the chat here lately.

Ques: If you ever heard Deft [*sic*; should be Pltff, Jacob] say anything about getting anything to cause Mariah to have an abortion, you will please tell what it was.

Ans: I heard him say that he had got some tins of one kind and another for that purpose.

Ques: What time did he say he got them?

Ans: I can't say.

Ques: Did you ever hear Jacob say that Mariah was deranged? If so, what did say [*sic*] about it?

Ans: I have heard him say that he did not believe she had good sense from the way she acted sometimes.

Ques: Did you hear Henrietta Weddle give her deposition? If so, was or not the time she spoke about seeing Mariah at Dr. Taylor's, the same day that the writing was signed that she referred to?

Ans: It was the same day.

Ques: Did you or not frequently see Mariah shortly after they were married up to the time she finally left him?

Ans: I saw her several times.

Ques: What [was] the condition of her mind?

Ans: I thought she had a pretty good mind sometimes and at other times she acted curious.

Ques: Did you hear Jacob say anything about locking up his doors? If so, what was it?

Ans: I heard him say that he had locked up his doors to keep his wife from breaking in if she should go there. This was after she left the first time.

Ques: Is or is not Jacob cross and ill natured generally in his family?

Ans: I don't know that.

Ques by Jacob's atty: Did you or not hear the rumors you speak of in regard to Jacob being a bad man after the women, since the difficulty between him and his wife?

Ans: Yes, sir.

Ques: Who did you hear the rumors form?

Ans: I can't tell who all.

Ques: Do you or not live a close neighbor to the family of Mariah?

Ans: I do.

Ques: On the day you say the receipt was signed at Dr. Taylor's, what was the condition of her mind?

Ans: I thought her mind on that day was in as good condition as I ever saw her.

Ques: Are you or not well acquainted with the Deft Mariah?

Ans: I am.

Ques: Has she or not a bad temper, hard to please, peevish and cross?

Ans: I always thought she was a mighty high tempered woman, hard to please, and more peevish and cross than some women.

Ques: Have you or not been raised a close neighbor to her?

Ans: I have.

Ques by Mariah's atty: Were you ever around Mariah's house much?

Ans: I have been there a right smart, but not much for the past five or six years.

Ques: Did you or not hear Jacob say that Mariah had treated him well?

Ans: I don't recollect of hearing him say it.

Ques by Jacob's atty: Did or did not Mariah tell you that she never would go back to live with Jacob?

Ans: She did, the day she signed the writing.

Ques by Mariah's atty: Did she not also say in that conversation that he had mistreated her and that she could not get along with him or something to that amount?

Ans: She did not say that. She said they all had treated her well.

/s/ J. S. Weddle

Adjourned until tomorrow morning, 15 Sept., 1860.

/s/ C.B. Bachellor, Examiner

Saturday morning, September 15, 1860, met pursuant to adjournment. The deposition of Polly Compton taken at the same time & place for same purpose.

Ques by Jacob's atty: Did or did not the Deft Mariah Tarter stay sometime at your house after she and Jacob separated? If so, tell what she said about the manner she was treated by her husband.

Ans: She stayed there some four to five days. She said he treated her very well, as well as she could expect.

Ques: Did she or not say that Jacob was kind and affectionate to her?

Ans: She said he was.

Ques: What did the Deft Mariah say about the condition of her mind?

Ans: I don't remember what she said.

Ques: What do you think about the condition of her mind while she was at your house?

Ans: I think she was in her right time [*sic*].

Ques: What did the Deft Mariah tell you about the birth of her child, if any thing.

Ans: I heard her say she that she wished it could have been born dead or died directly afterwards.

Ques by Mariah's atty: Was Mariah well when she was at your house or did she or not *have* to lie down?

Ans: She would lie down through the day and take her rest. She did not seem to be sick. I thought she was like other women in her fix.

Ques: What time was it she was at your house?

Ans: I think it probably the week after Jacob and Mariah parted the last time.

Ques: Did you ever see her when she had her bad spells?

Ans: I never did.

Ques: Were you not at Mariah's father's when she was sick?

Ans: I was there once after they parted.

Ques: Was she or not in her proper mind at that time?

Ans: I thought she was.

Ques: Have you ever seen persons who were deranged at the time?

Ans: I have.

/s/Polly Compton

Henrietta Weddle recalled.

Ques by Jacob's atty: Please state [what] Nancy Warner, who have [*sic*] given her deposition in this case, told you about Jacob's treatment of his wife.

Ans: I don't think I heard her say anything.

Ques: Please state what the Deft Mariah told you about Jacob's treatment to her.

Ans: She [*said*] that they were all good to her, as good as they could be. She said she wished she could be satisfied but she could not.

Ques: Please state what she told you about taking cedar berries & c.

Ans: Before they had parted, she told me she had been drinking some cedar bud tea, not knowing what was the matter with her. She supposed it was cold.

Ques: What did she say about losing her child?

Ans: She said she had been drinking some cedar bud tea, and that she had heard it would cause a miscarriage.

[Note: at this point in the deposition, the handwriting changes to that used for questions by Mariah's attorney, but the questions are prefaced "by same"; i.e., Jacob's lawyer. The change in handwriting and in the tenor of the questions, however, lead me to believe the remainder of the questions in this deposition were posed by Mariah's attorney. -- jg.]

Ques: Did she not tell you in that conversation that she had taken those teas thinking she was affected with cold, and that she thought it would be necessary to bring about her regular courses or words to that effect?

Ans: She said she had taken the tea for that purpose, thinking she was affected with cold.

Ques: Did she not also in that con[versation] say that she was not in the family way?

Ans: If she said she was not I don't recollect it.

Ques: Was or was not this conversation before they had parted at all?

Ans: It was.

/s/ Henrietta Weddle

Also the deposition of Rachel Norfleet, taken at the same time & place for same reason.

Ques by Jacob's atty: Are you or not a dau. of Jacob?

Ans: I am.

Ques: Was you or not at Jacob's house a short time before Mariah left him the first time? If so, tell what she said about the treatment she received from Jacob.

Ans: I was there a day or two before she left. I asked her if father mistreated her, and she said he did not, that he was as good to her as child, that he was too good. She said she saw a good deal of trouble about it, and she did not know but what her father mistreated her, that made her do the way she did.

Ques: Was there any one about except you and Mariah when you had this conversation with her?

Ans: My sister, Mrs. Molden, was there, I think.

Ques: If Mariah said anything at that time about leaving Jacob, tell what it was.

Ans: She said she could not love him, that she could not endure to see him come in her sight. She asked me what she must do, if she could not love, if she must stay with him? I told her I was not going to have anything to do with that, that she must determine for herself.

Ques: How long was this before she left Jacob the first time?

Ans: It was a day or two.

Ques: Was or was not Nancy Warner, a sister of Deft Mariah, who has given her deposition in this case, living there at that time?

Ans: She was.

Ques: What did she tell you was the matter with her sister, if anything?

Ans: I don't know that she stated anything was the matter with her. She said that she wanted me to come up and that she and I would give her a good whipping, that Father would not do it. She said she believed that would cure her.

Ques: Did you or not have a second conversation with the Deft Mariah? If so, when was it and

[what] did she say at that time about the treatm[ent] she received from Jacob?

Ans: I had a conversation with her about a week before she left him the last time. She did not say anything about her treatment at that time that I recollect of.

Ques: What reason did she give you, if any, at that time why she could not live with your father?

Ans: She stated that Greenberry Buchanan was the cause of all her trouble and would be the cause of her death, and I told her she would not die until her time come.

Ques: What did she say, if anything, about loving your father Jacob?

Ans: She said [she] could not love him, that she loved Greenberry Buchanan. I told her she ought to have stayed single, as long as Greenberry Buchanan was a single man. She said she did not love Jacob at the start.

Ques: What reasons did she give you for marrying your father Jacob?

Ans: She said she never would have married him if had not had plenty. She said she loved him a little and she thought if she could get where there

was plenty, she could love him more, but she said [she] found out it would not do, and that it had created a load in her stomach.

Ques by Mariah's atty: When Nancy Warner told you what you have told, was she or not jesting?

Ans: No, sir. I thought she was in earnest when she was talking to me.

Ques: Did you really believe that she wanted her sister whipped?

Ans: I believe [she] did. She said she paddled her well in the floor the day before.

Ques: Did you ever see Nancy mistreat her sister?

Ans: No sir.

Ques: Had you and Nancy not been laughing and joking just before she told you about whipping her?

Ans: I think not. I asked her to come down with me and see me and Nancy said if I would come up and help whip her she thought she would be well enough to come down.

Ques: Was not Mariah sick that day you were there?

Ans: If she was sick I did not know it.

Ques: Was she not lying on a pallet before the fire that day?

Ans: I expect she had. I did not see her on it.

Ques: At the second time you speak of being there, what humor was your father in?

Ans: He seemed in as good humor as ever to me.

Ques: Who was present when she had that communication about Buchanan?

Ans: Mary Ann Norfleet, her -- Mariah's -- sister.

Ques: Have you or not heard your father say Mariah was or had been deranged?

Ans: I never did that I recollect of.

Ques: Was there anything the matter with Mariah while she was there, that is, was she sick?

Ans: I can't tell. I never saw her when I thought she was.

Ques: Have you or not had bad feeling towards Mariah?

Ans: No, sir.

Ques: Have you or not refused to speak to her at times since the marriage?

Ans: No. I never refused to when she would speak to me.

Ques: Did you or not refuse to speak first ?

Ans: No. I always spoke when she did. I never spoke to her at any time when she refused to speak to me.

Ques: Have you or not a good deal of feeling in this case?

Ans: [two words] I have got some.

Ques: Have you or not been talking to your father since you have been giving [one word] deposition and telling him what you would state?

Ans: I asked him twice if it was worthwhile to tell some things that she has not told.

Ques: How often were you at Jacob's while Mariah lived there?

Ans: I don't know how many times. I reckon not many.

Ques by Jacob's atty: have [you] any such interest or feeling in this case as to would induce you to make a false statement?

Ans: No, sir.

Ques: Did you or not at the time of your examination in chief, tell your father what question to ask?

Ans: No sir.

Ques: Have you or not been willing, and are you or not willing to speak to the Deft Mariah if she would speak to?

Ans: I have always been, and am now.

/s/ Rachel Norfleet

Also to deposition of Wyatt Norfleet taken at the same time & place, for the same purpose.

[Either the hand written transcription got messed up or Mariah's attorney was being sarcastic in this deposition. The following *is* verbatim. -- jg]

Ques by Jacob's atty: Please state [what] the Deft Mariah Tarter told you about the cedar buds.

Ans: She was down at my house, and I asked her what she was drinking cedar bud tea for, and she said she was drinking it for a cold, that she was told it would help her. She told me that she went once after them herself and sent either the black boy or black girl and made them get some for her.

Ques: Are you or not well acquainted with the Deft Mariah? If so, what kind of temper & disposition has she?

Ans: I am well acquainted [with] her. She is tolerably high tempered, and about as hard to please as the next woman.

Ques: Was she or not at your house a short time after the separation between her and Jacob? If so, what was the condition of her mind?

Ans: She was at my house a short time after the separation, and I thought she had as good mind and sense, as she ever had.

Ques: Was you or not at Jacob's house several time while they were living together? If so, did you or not discover anything wrong with her mind?

Ans: I was there some few times, and I thought she had as good mind as she ever had.

Ques: Did or did not Mariah tell you that she would not live with Jacob?

Ans: Since they have been separated, I have heard her say that she would not live with him.

Ques by Mariah's atty: Did you see Mariah when she had any of her bad spells?

Ans: I did when she was pretending to same.

Ques: Was anything the matter with her when she prented [*sic*] to be sick?

Ans: I don't think there was.

Ques: All of her sickness was put on, wasn't it?

Ans: That was my notion.

Ques: Is not Mariah a stout, healthy woman?

Ans: She is just moderately so.

Ques: She has never been deranged, has she?

Ans: I have thought she was not.

Ques: Did or did not Mariah tell you she would not live with Jacob after they had finally separated?

Ans: It was after they had separated.

/s/ Wyatt Weddle

Also the deposition of William Weddle taken at the same time & place for same reason.

Ques by Jacob's atty: Did you or not have a conversation with Nancy Warner, a sister of Mariah, who has given her deposition in this case, about Jacob's treatment of Mariah? If so, tell when it occurred and what she said.

Ans: I did have two conversations with her, the first conversation about the time of the first separation. I asked her if Jacob Tarter was to blame, and she said he had treated Mariah very well. The second conversation was since they have separated, and she used about the same word.

Ques by Mariah's atty: How long have you known Jacob?

Ans: Forty or forty-five years.

Ques: What is his general reputation about running after bad women?

Ans: I have heard a good many running on about Jacob's running after women, but can't tell whether they were in earnest or not.

Ques by Jacob's atty: Have you or not been frequently at Jacob's house? If so, did you or not see any women of that kind there?

Ans: I used to be at Jacob Tarter's a heap. I never saw any women there but reputable and clever women of the neighborhood. I have not been there since he married the last time.

/s/ Wm. Weddle

[On last page of depositions taken on behalf of Jacob]

We hereby waive the right to the Examiner's certificate.

/s/ Bradley Bachellor for Deft

/s/ F. T. & W. McKee Fox for the Plaintiff

Att. C.B. Bachellor, Examiner

Examiner's fees including

Mileage \$7.60

Wit. attendance 3.00

[one word] .20

Constables fees .10

\$10.90

Depositions taken 16 September on behalf of Mariah

Met pursuant to adjournment.

Franklin Weddle being recalled states:

Ques by Mariah's atty: If you have heard Jacob say anything about taking his wife out of her bed you will state what it was.

Ans: I heard him say that he took her out of her bed, and took her out into the porch and locked the door and told her she could lie on the floor.

Ques: Are you acquainted with Polly Bird? If so, where does she live?

Ans: I have seen her a few times. She lives just the other side of Jacob's, probably two or three hundred yards on Jacob's land.

Ques: Have you ever seen her about Jacob's house? If so, how often?

Ans: I don't know how often. I have seen her there a good many times.

Ques: What is her general moral character?

Ans: She bears a very bad character from what I hear from others.

Ques: Is or not her character that of a base and *unchaste* [word appears to be "unchased" -- jg]

woman?

Ans: I have heard people say so. I don't know it of my own knowledge.

Ques: If you [heard] Jacob say anything about get[ting] medicine to procure an abortion, you will please tell what he said.

Ans: I heard him say he sent his negroes to get some cedar berries and he got some other stuff and fixed it up together to give to her to make her lose her young one.

Ques: Was that during the first or last time that Jacob and Mariah lived together?

Ans: To the best of my recollection it was the last time they lived together.

Ques: Does Jacob belong to any church?

Ans: I believe they say he belongs to the Baptist church.

Ques by Jacob's atty: How long have you known Polly Bird?

Ans: I have no acquaintance with her. This summer or this spring was the first I saw of her.

Ques: How long has Polly Bird been in this neighborhood?

Ans: I never heard of her being in this neighborhood before this summer.

Ques: Is or not Polly Bird a married woman? If married, where is her husband?

Ans: She is a married woman, and her husband stays with her.

Ques: What is the pecuniary condition of Polly Bird and her husband?

Ans: I consider them poor.

Ques: Who did they work for, and where did they live, before they moved to where they now live?

Ans: They lived near John Compton's, and worked for Ivey Tarter.

Ques: Is it or not common for people in their circumstances in life to live on other people's land in this country?

Ans: Yes sir.

Ques: Have you or not seen persons of doubtful reputation at the house of clever people before you saw Polly Bird at Jacob Tarter's?

Ans: I have seen such things happen.

Ques: How did you get your information as regards Polly Bird?

Ans: I have heard some say they pretty well knew it to be so, that she was a bad woman.

Ques: Where, at what time, and who was present when Jacob had the conversation with you in regard to the roots & teas he had got for his wife?

Ans: I heard him talking about it two or three times. James S. Weddle was present one time at his store. I don't remember that there was any one else present but James.

Ques: Did or did [not] Jacob tell you at that [one word], that his wife had sent for the roots & c?

Ans: I don't think he said he had or she did, but they had sent after some cedar berries.

Ques: Cannot you remember that he told you that his wife want[ed] them?

Ans: To the best of my recollection, he said they had sent Luce, his black girl, after some cedar berries.

Ques: How long has Polly Bird lived near Jacob?

Ans: It has been two or three weeks.

Ques: Do you or not know that her husband [is] working at Jacob's, distilling apple brandy?

Ans: Her husband is working there.

Ques: How far does Polly Bird and her husband live from Jacob?

Ans: Some two or three hundred yards.

Ques: With whom have you conversed since you gave your deposition in this case day before yesterday, as to what you knew in relation to what you have just testified?

Ans: Mr. Bachellor talked to me about it.

Ques: Have you had no conversation with any one else except Mr. Bachellor?

Ans: I had a conversation with some several.

Ques by Mariah's atty: Did you or not in some of the conversations with those with whom you talked, say you had not told all you knew about the case or words to that effect?

Ans: I did say something to that effect. I didn't think of it at the time and wasn't asked about it.

Ques: You speak of seeing bad women at other people's houses; have you or not seen more at Jacob's than you have at men's who are not particularly fond of such women?

Ans: I don't recollect whether I have ever seen any others at his house or not.

Ques: Is it or not generally reported in Jacob's neighborhood that he has a good many bad women about?

Ans: Yes sir. I have heard some few talk about such women being there.

Ques by Jacob's atty: Can you on your oath state that it is Jacob's general reputation that he has a good many bad women about him?

Ans: No sir. I can't state that. I stated that I have heard some few say that he has bad women about him.

Ques: How long has it been since you heard those few talk about this? Has it or not been since the difficulty between Jacob and his wife?

Ans: I have heard it before and since.

Ques: Who have you heard talk about this?

Ans: I have heard Francis Molden's wife & Ivey Tarter talk about it lately, and others some time ago.

Ques: Where was it you heard these persons talk about it?

Ans: I forget where it was. Ivey Tarter told me about it. Francis Molden's wife [told] me about it last Friday was a week.

Ques: Are not these the only persons you have heard talk about these things?

Ans: I have heard others talk about it.

Ques: Tell what Ivey Tarter said about it.

Ans: He told that he went to Jacob's, and he was gone. He then asked for him, and was told he had stepped out a few minutes before that. He told me he saw Polly Bird coming from toward the stable, and Jacob coming through the orchard. At other time [sic] he said he went there and Polly Bird was there. She started home, and Jacob followed her. This is about all I have heard him say.

/s/ Franklin Weddle

Also the deposition of J. M. Weddle taken as before stated, who being sworn states:

Ques by Mariah's atty: Are you or not a brother-in-law of Mariah?

Ans: I am.

Ques: Are you or not acquainted with her? if so, how long?

Ans: I have been acquainted with her some seventeen or eighteen years.

Ques: Did you or not see her while she and Jacob were living together? If so, how often?

Ans: I saw her several times. I can't tell how many.

Ques: What was the condition of her mind from about a month after this marriage until they separated?

Ans: I saw her in a month or so after she was married and she seemed right at that time. I had no conversation with her until about the time she left first, that I recollect. I was not pleased about her leaving until I had a conversation with her. She was passing backwards and forwards from my house and I conversed frequently with her and found she was in a deranged state. Her mind seemed to run on religious matters and she said she was going to die or not live long. I finally persuaded her to go back to Jacob's. I saw her a few times after she went to Jacob's but I had no conversation with her that I remember of until she left last. I saw her once. Jacob was taking her to her father's and Mariah's father told her not to come but to go back home, and Jacob took her home. I talked to her several times after she come back. At times she talked as well as ever. It is frequently the case that deranged persons are at times smarter and wittier *than* when in their proper mind.

I was so well convinced that she was not in her right senses that when Jacob sent after me to go there the morning they separated that I refused to go. I think that about a week or so after they separated, Jacob come to my house and said he had a writing about separating that he said Mr. Fox

had drawn up and wanted me to go and witness it or see that she signed it. I desired him to put the matter off until she got better. Jacob said that the writing if signed could be torn up afterwards.

Ques: From her looks, talk and appearance, was she or not capable of making a valid contract at the time of the separation or in two or three weeks afterward?

Ans: She was not. If I had thought she had been I should have gone with Jacob.

Ques: Did you or not from your relationship and the opportunities you had for ascertaining her capacity, have a very good opportunity of judging correctly about her mind?

Ans: Certainly I had.

Ques: How much money and property has Jacob? Please state all about it and give its value.

Ans: I believe he has three fillies, one black horse. He told me he had been offered two hundred dollars for his black horse. That he had been offered \$100 for one of his fillies but he asked \$125. I think his horses and a mule that he has would be worth five hundred and fifty dollars. I make this estimate more from his own statements than from my own judgment. I think myself that they are worth at least \$500 and probably more than \$550.

He told me I think that he had stock and hogs. This I believe was last fall. I heard him say I believe he had about 8 left. This was a few days since.

He has a wagon, I believe, I reckon is worth about \$60.

He has his tract at home [?house] which I believe is worth \$2,000 (two thousand). He has a place below Cundiff's that I think is worth some three or four hundred dollars from what I have heard. Jacob told me he had got a mighty good bargain [on] it. I form my estimate from his (Jacob's) own statements and what others have told me.

He has two negroes. I think Luce is worth one thousand dollars and Hen is worth twelve hundred dollars, and that they could probably be sold for more. He has household property and *crop* & other property worth about \$600 or \$800.

Ques: How much money has he?

Ans: I was speaking to him about his saying that he had been telling that he had \$1,400 and his black horse *Foge* to spend on this suit, and he slapped his pocket and said that he had more or a good deal more than that. I owe him about three hundred and eighty-seven dollars myself.

Ques: Did you ever hear him say how much he furnished Mariah after they separated? Tell what he said.

Ans: The first time she come up to her father's I believe he said he had brought her some coffee, meat and flour. He was telling me again about it lately and he said he took her about thirty or thirty-five pounds of flour, I think a joint of meat, it might have been two, and either three or five pounds of coffee. I can't say that he told me the amount. I may have got it from the family.

Ques: Are you acquainted with the general moral character of Polly Bird? If so, is it good or bad?

Ans: I have seen her. From her general moral character, I don't think it is good.

Ques: What is her character for virtue [*sic*]?

Ans: From what I have heard she is not.

Ques: How long have you been acquainted with Jacob?

Ans: I think about forty years.

Ques: Has he a good disposition, or is he fretful, peevish and hard to get along with?

Ans: Whenever I have been about his house, I never, as I recollect, have seen anything wrong about him, but have heard complaints from other sources.

Ques: What is his general character as to running after bad women?

Ans: Public report says he is a pretty bad man that way. I have heard a good many say so.

Ques by Jacob's atty: How many times did you see the Deft Mariah between the time she first left Jacob until she went back to him?

Ans: I could not tell. I saw her once at her father's shop when Jacob was with her.

Ques: Did Jacob go home with her the first time she left him?

Ans: I don't know.

Ques: The time you saw them at her father's shop, was it after she had left Jacob the first time?

Ans: It was, according to my notion.

Ques: What was the condition of her mind between the time she first left Jacob until she went back to him?

Ans: I don't recollect that I talked to her in that time, but from what I heard, I did not think she was calculated [*sic*] to enter into any writings.

Ques: How many times did you see & converse with her between the time she went back to Jacob and the final separation?

Ans: I cannot say that I talked with her any time between the periods above mentioned, but I saw her passing about.

Ques: Have you or not been actively engaged in getting up the proof in this case?

Ans: No, I have not been very active, not as active as many men placed in the same circumstances would be. She and her father have called me at different times to give them counsel & assistance. She is a poor woman.

Ques: Did you or not prepare the notes of questions to be asked the witnesses used by her attorney?

Ans: I did. She and her father come to my house and got me to write them out.

Ques: Have you or not a great deal of feeling and interest in this suit?

Ans: I have no interest on the face of the earth. My only feeling is that she is a poor woman.

Ques: Have you friendly feeling toward Jacob?

Ans: I have.

Ques: Have you or not proposed a compromise of this case to Jacob?

Ans: I don't know that I have.

Ques: The estimate you have made of Jacob's property -- is it or not made from what you have heard from others more than your personal knowledge?

Ans: A portion of it is made from what he has told me, what I know myself & what others have told me.

Ques: What he said in reference to having the \$1,400 and his black horse *Foge* to spend, was it or not said boastfully that he would spend that much in this suit?

Ans: That was said in relation to this suit.

Ques by Mariah's atty: Did you or not say to Jacob you were talking about how much money he had, and he said he had that much and more?

Ans: He did.

Ques: Has or not Jacob been for many years past a money loaner?

Ans: He has.

Ques: Is or is not Mariah's father poor?

Ans: He is a very poor man.

Ques: Did or not Jacob request you to see Mariah and see how she would compromise?

Ans: He did. I told Jacob there were three ways to compromise. One, to [go] back and live together; another, to compromise this suit; and another, to [one word] it [one word]; and he told me to see her and see what she would do; whether she would compromise or not.

/s/ J. M. Weddle

[On last page of depositions taken on behalf of Mariah.]

We hereby waive the right to the examiner's certificate.

/s/ Bradley S. Bachellor for Deft.

/s/ F. T. & W. McKee Fox for the Pltff.

Att: C.B. Bachellor, Examiner

Examiner's fees, including

Mileage	\$10.10
Sheriff's fees	2.25
Constable's fees	1.00
Wit. attendance	<u>11.50</u>
	\$24.85

CAST OF CHARACTERS

The principles:

Jacob Tarter c. 1795-1874, son of John & Nancy Tarter
Mariah Warner Tarter 1835-1888, dau. of Joseph & Mary Cain Warner
"the child" (Jacob & Mariah's dau.) Queen Victoria Tarter 1859-1913

Deponents (*italics* indicate relation to other deponents; underline indicates relation to principles):

Theophilus Pennington, no further information
Daniel Tarter, son of Jacob Tarter & Polly Weddle Tarter
Isaac F. Brown, son-in-law of *Theophilus Pennington*
Joshua Taylor, physician; no further information
Franklin Weddle, son of *J. M. "Jack" Weddle*
Docia Ann Weddle, wife of *Franklin Weddle*
Nancy Warner, sister of Mariah Warner Tarter
Henrietta Weddle, wife of *James S. Weddle*
Arthur McDaniel, no further information
Helen Compton, no further information
John Tarter, relation to Jacob Tarter unknown (possibly a cousin, son of Peter Tarter Sr.?)
C.J. Sievers, no further information
Catherine Molden/Molding, etc., dau. of Jacob Tarter & Polly Weddle Tarter
Polly Pennington, no further information
James S. Weddle, son of *J. M. "Jack" Weddle*
Polly Compton, no further information
Rachel Norfleet, dau. of Jacob Tarter & Polly Weddle Tarter
Wyatt Norfleet, son of *Rachel Norfleet*; gr'son of Jacob Tarter & Polly Weddle Tarter
William Weddle, not certain; most likely the husband of Celia Tarter Weddle, sister of Jacob Tarter

J. M. (John Milton) Weddle (Jr.), *aka* "Jack", husband of Mariah Warner Tarter's sister Julia; also a first cousin of Jacob Tarter's first wife, Polly Weddle Tarter; also the brother-in-law of Jacob & Polly Weddle Tarter's dau. Martha "Patsy" Tarter (married Solomon Weddle); also the father-in-law of Jacob & Polly's Weddle Tarter's son Wyatt Tarter (married Emily Kissew/Weddle); also a nephew of *William Weddle*.

Others mentioned in depositions (not inclusive):

Wesley "Wes" Tarter, Jacob & Polly Weddle Tarter's youngest child. Apparently still living at home during Jacob & Mariah's marriage.

Greenberry Buchanan, son of Henry & Nancy Bruce Buchanan. The 1860 Pulaski census (district #2, HH 1491) shows Greenberry (28, born TN) in the household of Henry (62, born VA) & Nancy (61, born VA), along with several others.

Mary Ann Norfleet, sister of Mariah Warner Tarter; also wife of *Wyatt Norfleet*

Polly Bird, became Jacob's third wife in 1870.

Francis Molden's wife, Catherine Sarah Barker Mol(d)en

Ivey Tarter, possibly Jacob & Polly Weddle Tarter's son Iva

A Brief and not Fully Documented Chronology of Jacob Tarter's Later Years (c. 1855 - 1874)

1850-1858 -- Jacob's first wife, Mary "Polly" Weddle Tarter, dies.

1858 October 28 -- Jacob, c. 63, marries Mariah Warner, 23.

1858 early November -- Victoria, Jacob & Mariah's daughter, conceived.

1858 December 15 or earlier -- Jacob & Mariah's troubles start.

(Mariah alleged abuse and mistreatment by Jacob & his family continued for "more than six months" before she left him in mid-May 1859.)

1858 autumn to early February 1859 -- Mariah leaves the first time.

(Accounts vary; not clear if she left more than once before May 1859.)

1859 early spring - 1860 early spring -- Jacob's son William T. conceived by Polly Ann Bird. (Derived from information given on William T.'s marriage record; see below.)

1859 mid to late April -- Mariah returns for "upward of a month".

1859 May 16 -- Jacob & Mariah agree in writing to separate.

1859 May 31 -- Mariah acknowledges in writing her receipt of \$100 from Jacob as separation settlement.

1859 August 9 -- Victoria born nine months (40 weeks) and five days after Jacob and Mariah's marriage.

1860 January - 1861 January -- Jacob's son William T. born to Polly Ann Bird.

(Dates based on information from his marriage record. He married 8 Jan. 1878 & gave his age as 17. If he were one day short of 18, that would place his earliest birth date as January 1860; if he just had turned 17, his latest birth date would be January, 1861.)

1860 May 23 -- Jacob files for divorce from Mariah.

1860 June 7 -- Mariah files cross petition against Jacob.

1862 March -- divorce decree granted.

1863 Jan 3 -- KY Court of Appeals overrules lower court; Jacob is to provide maintenance for Victoria & pay Mariah's court costs.

1866 (ca.) -- Jacob's second son by Polly Ann Bird, Elias Jefferis Tarter, born.

1870 December 11 -- Jacob marries Polly Ann Bird.

1872 December 21 -- Jacob writes will. Makes no mention of dau. Victoria. Mentions children by his first wife but only deceased son Wesley by name. Specifies "...my two youngest sons (children of my present wife) William Thomas Tarter and Elias Jefferies Tarter...".

1874 November 19 -- Jacob dies in Russell County KY as a result of a "fall from wagon".

A note about Mariah & Queen Victoria. In both the 1870 and 1880 Pulaski County census records, they were in the household of Joseph & Mary Warner, Mariah's parents. In both instances, Mariah's marital status is shown as "D" (divorced). She died in 1888.

Queen Victoria (born 9 Aug 1859) in 1884 married Fred Tarter (her half-nephew), the son of Daniel Tarter and the grandson of Jacob & Polly Weddle Tarter. She died 30/31 October 1913