

A collection of Documents
pertaining to the divorce of
A.F. Porter
from
Lizzie Porter

May 19, 1902 to April 24, 1908

Note: The following documents were transcribed from photocopies of the original documents which are public record in the Carter County, KY Court Records. Some of the original documents were typewritten and others were handwritten. The signatures represented on these pages are handwriting fonts and are not the signatures of the signee. The purpose for this transcription is for genealogical research and historical information for the descendants of the parties involved in this case. Transcription was provided by Vicki Porter Pasterik and J.C. Porter.

October 27, 2007

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filed May 19, 1902

Carter Circuit Court

A.F. Porter, Plaintiff.

-vs- Petition in Equity.

Lizzie Porter, Defendant.

The plaintiff, A.F. Porter states that he is an actual resident of Carter County Kentucky and has continuously resided in Carter County, Ky. for more than one year next before the commencement of the action.

That the cause of divorce herein after set out occurred and existed in Carter County, KY and more than one year next before the commencement of this action. Plaintiff says that he and the defendant, Lizzie Porter, was legally married to each other in Carter County, KY on the 18th day of March, 1896 and lived and cohabited together as man and wife until the 26th day of September, 1900 without any provocation or fault on the part of this plaintiff, abandoned him and his home and has since said date lived separate and apart from him. Plaintiff says that during the

time he lived with Defendant he was kind and affectionate toward her and always provided comfortably for her support and Defendant would quarrel and maltreat and in every conceivable way harass and render plaintiff miserable and unhappy.

Therefore plaintiff prays that the marriage contract, existing between plaintiff and defendant be canceled, set aside and held for naught and that he be granted a divorce from the bonds of matrimony herein and restored to all the rights and privileges of an unmarried man and for all proper relief.

A J Porter

by J J C Johnson,

Attorney for plft.

filed May 24, 1902

Carter Circuit Court

A.F. Porter, Plaintiff.

-vs- Answer and Counter Claim.

Lizzie Porter, Defendant.

The defendant for Answer and Counter Claim herein.

States that it is true that she and the plaintiff were married in this state as set out in plaintiffs Petition.

But it is not true and plaintiff denies that she abandoned plaintiff's home or that she has been guilty of adultery or any lewd conduct that proves her unchaste in any way.

That she lived with him until that 4th day of May, 1902, when without fault of defendant, plaintiff ordered her away from their home.

Therefore, the defendant further answers and says that the plaintiff is an able bodied man and has property and is able to contribute to her support. That he is possessed of the following property to wit, 150 acres of land in Carter County on

the Rock Bridge Fork of Tygarts Creek, bounded on the East by the lands of Frank Cheeks. Bounded on the south by the lands of Isaac Clay. On the west by the lands of John Porter and on the north and northwest by the lands of Richard Gooden, and Robert Porter, worth \$1000.00.

Also two match horses, yellow about 5 years old and one wagon worth \$240.00. One cow and four head of young cattle worth \$125.00. 1 mowing machine worth \$30.00. One cook stove worth \$10.00. Two tables worth \$4.00. One bedstead and mattress worth \$4.00. 1 meal and flour chest worth \$3.00. One set complete of Black Smith Tools worth \$50.00.

The defendant says that she has reasonable grounds to suspect and does suspect that the plaintiff will fraudulently sell and convey or otherwise dispose of his property with a fraudulent intent to prevent defendant from getting alimony out of his property, and will do so as defendant believes unless prevented from so doing by orders of this court. That she has a good and valued defense against plaintiff's charges that she is poor and unable to execute bond herein and asks that she be

permitted to attach said plaintiff's property without bond.

Wherefore she prays judgment against the plaintiff for one thousand dollars for alimony and that she be granted a general order of attachment against plaintiff's property. That plaintiff's Petition dismissed and judgment for costs and all proper relief.

Frank Prater, Attorney for Defendant

State of Kentucky

Carter County / ct.

The defendant says that the statements of the foregoing Answers and Counter Claim are all true as she believes.

Lizzie Porter

filed June 28, 1902

Carter Circuit Court

A.F. Porter,

Plaintiff.

-vs- Reply.

Lizzie Porter,

Defendant.

The Defendant, Lizzie Porter for reply herein.

States that it is not true and she denies that at all times or at all, the plaintiff has in good faith ever endeavored to keep this defendant at home or during the time that they have been husband and wife whenever he could induce the defendant to remain at home or has he treated defendant in an affectionate or husband like manner.

Or provided well for her in all respects or never has at any time given her the slightest cause to leave him and remain away from him or that plaintiff's treatment during their married life.

Or that defendant has frequently or at all without cause absented herself from plaintiff's home or remained away for long periods of time in a distant state.

Or in one instance at least for a period of thirteen months continuously neglecting her duties as a wife to plaintiff without cause.

Or leaving him to look out for his household affairs without cause.

Or upon every return after her absence plaintiff has received her back home or reinstated her in his affections or provided for or treated her well.

Or is he now able, willing or ready to receive her back into his home, or to provide for her or to care for her fully in all respects or at all.

Or is she in good faith invited to return or accept protection of his home, or can she do so in peace.

Or is she now absent from his home without his consent or against his will.

Defendant denies that the tract of land herein described of 150 acres is the property of plaintiff's children or any part of same.

Or that said children are necessary parties to this action for the purpose of adjudicating their rights.

Or do they have any rights herein to adjudication or do they have any equitable title or interest in said land.

Or is any title equitable or ever was in said children before the marriage of plaintiff to defendant. It is not true and defendant denies that she is not entitled to any alimony.

Or is now remaining away from the plaintiff's home without any fault on the part of plaintiff at all. On wholly or at all on account of her own fault or fault at all, or without cause.

Or that plaintiff by his conduct is entitled to maintain her at his own home or that he is willing in fact to do so that the answer filed herein was the first notice that defendant had a plaintiff desire to maintain defendant at his own house and that was after defendant had attached all his property in this action that plaintiff got so desirous of living with defendant and not otherwise.

Defendant says that if there is any pretended conveyance to plaintiff's children herein named, it was attempted to be made

after the marriage of plaintiff to this defendant and is a fraud upon this defendant and was made with a fraudulent intent for the sole purpose of defrauding this defendant and to prevent defendant from getting alimony out of plaintiffs property and not otherwise.

Wherefore, defendant prays as in her Answer and Counter Claim, that the pretended conveyance, if any be, from plaintiff to his children named herein be canceled, set aside and held for naught. And for all proper relief to which she may seem to be entitled.

Frank Prater,
Attorney for Defendant.

State of Kentucky
Carter County / s ct.

The Defendant says that she believes the statements of the foregoing answer are true.

Lizzie Porter

Subscribed and sworn to before me, by Lizzie Porter this 28th day of June 1902.

Frank Prater, E. C. C.

filed Oct. 2, 1907

Carter Circuit Court

A.F. Porter,

Plaintiff.

-vs- Petition in Equity.

Lizzie Porter,

Defendant.

The Plaintiff, A. F. Porter, states that he and Defendant, Lizzie Porter, was married to each other in Carter County KY on the 18th day of March, 1896 and lived and cohabitated together as man and wife until the 13th day of September, 1906, at which time the defendant without fault or provocation on the part of this plaintiff abandoned him and his home and has since said date lived separate and apart from him.

That during the time plaintiff and defendant lived together as man and wife plaintiff always provided plenty for defendant and did all he could to make her contented and happy. But on the other hand, defendant would quarrel and fuss with plaintiff and render him unhappy and miserable and break off and leave him and his home for months at a time and finally, when on the 13th day of September, without fault or any provocation on the part of this

plaintiff, she abandoned this plaintiff and his home and left the state of Kentucky and is now absent therefrom.

She is now a resident of the state of Missouri. That her post office address is Warrensburg, Missouri. That plaintiff is a resident of Carter County, KY and has resided in Carter County, KY for more than one year last part before the commencement of this action.

That the cause of divorce occurred and existed in Carter County, KY and within the 5 years last part before the commencement of the action.

Wherefore plaintiff prays that the marriage contract existing between plaintiff and defendant be canceled, set aside and held for naught and that he be granted a divorce from the bonds of matrimony herein and restored to all the rights and privileges of an unmarried man.

He prays for all proper orders and relief that he in equity may be entitled to.

A. F. Porter

By J. J. C. Johnson, Atty for Plaintiff

Sworn before me by A. F. Porter this 21st day of Sept. 1907

J. J. C. Johnson

An examiner for Elliot County, KY

filed Oct. 2, 1907

Carter Circuit Court

A.F. Porter,

Plaintiff.

-vs-

Lizzie Porter,

Defendant.

The Defendant, Lizzie Porter, is summoned to appear in this court in 30 days and answer the petition of the plaintiff and H. C. Brown, a regular practicing attorney is appointed to defend her herein and to correspond with defendant and to inform her of the pendency and nature of said action this 2nd day of Oct. 1907.

J. E. McGlone, Clerk

by H . Hicks

filed Oct. 16, 1907

Carter Circuit Court

A.F. Porter, Plaintiff.

-vs- Answer and Counter Claim.

Lizzie Porter, Defendant.

The Defendant, Lizzie Porter for Answer and Counter Claim to
Plaintiff's Petition herein,

States that is untrue and she denies that on the 13th day of
September 1906, or at any other time, that she, the defendant,
without fault or provocation on the part of this plaintiff,
abandoned him or his home at all, or that since said time, she has
lived separate and apart from him, except as herein after fully
set out.

She states that she has at all times been willing, ready
and anxious to live with the Plaintiff as his wife and is now
willing and offers to do so.

She states that it is untrue and she denies that during the
time Plaintiff and herself, the Defendant lived together as man
and wife, Plaintiff did what he could to make her contented and
happy.

She states that on the other hand, he was jealous, quarrelsome and contentious, and at times, did all he could to make her miserable and uncontented and to persuade and induce her to leave him, but that laying aside all these faults, she is still willing and anxious to live with him.

Defendant states that it is untrue and she denies that she would quarrel with Plaintiff or fuss with him and render him unhappy and miserable or that she would go away and leave his home for months at a time except that she did some few times visit her children who live in Missouri, but that it was always by the consent and advise of the Plaintiff, her husband, that she made these visits, and never with any intention of permanently separating herself from the Plaintiff or abandoning his house in anyway.

Defendant states that it is true that she started on one of these visits to her children in Missouri on or about the 13th day of September, 1906, but she states that it is untrue and she denies that this with any intention of abandoning this Plaintiff or his home.

Defendant states that the plaintiff was willing for her to go and went with her to the station on the Railroad some miles from their home in the country and that he furnished her the money to pay her train fare and that it was by his full knowledge and consent and after fully advising with him that she started on this visit to see her children who live in Missouri and that it was agreed between her and the plaintiff that she was to stay until after Christmas and then return to their home.

Defendant states that after she got to the home of her children and at repeated times, thereafter, she received letters from the Plaintiff telling her not to come back home and stating to her that he would not live with her should she return, and that it was for this reason she remained away from him.

Defendant states that after receiving these letters from the Plaintiff, she repeatedly wrote him requesting that he permit her to return to him, but that when he did answer these letters at all he always stated to her that he would never live with her again or words to that effect, and she states that at all times while she was absent from home, that she was anxious and willing to return but that it was the fault of the Plaintiff who had abandoned her and his refusal to live with her that caused him to remain away

from him and their home, and that the said abandonment on the part of the Plaintiff was without fault or like fault on the part of this defendant and that it was in this manner and no other that the Defendant was compelled by the acts of this Plaintiff to remain away from their home.

Second, the Defendant for further defense and counterclaim herein states that the Plaintiff has abandoned her and has continuously refused to live with her as her husband for more than one year next before the commencement of this action, and that said abandonment was without fault or like fault on her part and that since said time Plaintiff has made no provisions for her this Defendant and that she has no means and no estate or other means of support, and that the plaintiff is possessed with ample means, the Defendant states that she is entitled to alimony and to allowance pending this litigation.

The Defendant states that her Claim for Alimony is a just claim and that she ought to recover thereon, the sum of one thousand dollars (\$1,000.00).

The Defendant further states that she has reasons to suspect that Plaintiff will fraudulently sell, convey or conceal his property to prevent the Defendant from recovering alimony herein.

Wherefore, Defendant prays Judgment against the Plaintiff and against his Estate for One Thousand (\$1,000.00) dollars alimony and she prays for an attachment against his property and for an allowance pending this litigation and that Plaintiff's Petition be dismissed with a Judgement for her cost herein expended including a reasonable attorney fee and for all proper relief.

Brown and Cassady

Attorneys for Defendant

State of Kentucky

County of Carter/sct.

The Affiant, Lizzie Porter, says she is the Defendant in the above styled action and that the Statement of the foregoing Answer and Counter Claim are true as she believes.

X Lizzie Porter

Subscribed and Sworn to before me by Lizzie Porter this the 16th day of October, 1907.

H. Clay Brown, Ex. C.C.

Depositions

The Deposition of Mr. Winton H. Porter taken on the 27th day of January, 1908 at Union School House in Carter County, KY to read as evidence upon the trial of an action. Wherein A.F. Porter is plaintiff and Lizzie Porter is defendant, now pending in the Carter Circuit Court.

The witness first being duly sworn by me states that..

I am 32 years old. I live in Carter county KY.

I am acquainted with the plaintiff and defendant to this action

The plaintiff is my father

The plaintiff resides in Carter County, KY. Has continuously resided in Carter for more than 20 years last past before commencement of this action

Q: State whether or not plaintiff and defendant are living together.

A: They are not.

Q: When did they separate?

A: Plaintiff and defendant separated the 13 Sept, 1906 and have lived separate and apart from each other ever since.

Q: State if you know which one abandoned the other.

A: The defendant abandoned the plaintiff and his home.

Q: When did defendant abandon plaintiff and his home?

A: Defendant abandoned the plaintiff on the 13 day of Sept. 1906 and has continuously lived separate and apart from him ever since said date.

Q: State if you know whose fault it was that defendant abandoned plaintiff.

A: It was defendant's fault.

Q: State whether or not you have been at plaintiff and defendant's house while they lived together as man and wife.

A: I have been at plaintiff and defendant's house while they lived together as man and wife frequently and lived close to them.

Q: I will ask you to state whether or not it is a fact that plaintiff was kind and affectionate towards defendant and did all he could to make her contented and happy.

A: It is a fact plaintiff was kind and affectionate toward defendant and did all he could to make her contented and happy.

Q: I will ask you to state whether or not plaintiff provided plenty for defendant while they lived together as man and wife.

A: He did.

W . H . Porter

Also the deposition of Mr. Millard C. Porter taken at the same time and place and for the same purpose mentioned in the caption. The witness first being duly sworn by one states that and by consent of the defendant it is agreed that J. J. C. Johnson Attorney for plaintiff, write the deposition of M. C. Porter in the presence of Wm. Offil, Notary Public who is the examiner in this case.

The witness M. C. Porter states...

I am 26 years old. I live in Carter County, KY.

I am acquainted with the plaintiff and defendant to this action.

The plaintiff is my father.

The plaintiff resides in Carter County, KY and continuously so resided for more than 20 years last past before the commencement of this action.

Plaintiff and Defendant were married to each other about 11 or 12 years ago and lived together in Carter County, KY as man and wife until 13th day of September 1906 at which time defendant abandoned the plaintiff and his home and has lived separate and apart from him ever since.

The defendant abandoned the plaintiff, She took all her household and kitchen furniture with her except what she afterwards ordered

took to her brother-in-law, Isaac Clays. It was fully understood that when defendant left she was making a final separation from her husband and left against the will and consent of her husband, A. F. Porter and sold the cow and calf to get money to go on. She sold the cow and calf to her husband, A. F. Porter. During the time plaintiff and defendant lived together as man and wife, plaintiff always provided plenty for defendant and was kind to her and done all he could to make her contented and happy. Part of the time defendant was quarrelsome to plaintiff.

Cross examined by Defendant, Lizzie Porter, in person

Q: State what you ever heard me say to your father as quarreling with him.

A: You was jealous of him.

Q: Did you ever hear me object to my husband going about except courting other women?

A: That was the biggest objection.

Q: Who gave orders for my things to be moved away to Isaac Clays?

A: You did yourself by letter.

Q: Didn't Mr. Porter, my husband send after Martha and Sena to help me get ready to go when I left?

A: He didn't send after Martha. I know, for me and Martha was already there. I don't know whether he sent after Sena or not.

Q: I will ask you to state whether I wrote to you and asked you to see my husband if he would let me come home.

A: She wrote me a letter and said "take it to my father and let him read it."

Q: State whether you wrote me a letter stating that you had seen your father as I requested and that he says that "he will not live with you."

A: I will not.

Q: I will ask you to state that whether you wrote to me that your father had broke up house keeping and had rented his farm and was boarding with Wince. (Wint)

A: I have no recollection of it if I did.

H. C. Porter

Also the deposition of C. C. Porter taken at the same time and place and for the same reason mentioned in the caption and witness first being duly sworn by me states that and by consent of the defendant Lizzie Porter. J. J. C. Johnson is to write the deposition of C. C. Porter in the presence of Wm. Offil, Notary Public, Who is the examiner

C. C. Porter states that...

I am 19 years old. I live in Carter county KY.

I am acquainted with the plaintiff and defendant to this action.

The plaintiff is my father.

I lived with my father during the time plaintiff and defendant lived together as man and wife. And all the time plaintiff and defendant lived together as man and wife, plaintiff was kind and affectionate to defendant, and done all he could to make her contented and happy and always provided plenty for her. The defendant abandoned the plaintiff and his home on the 13th day of September 1906 and has since that date lived separate and apart from him. The abandonment was without fault or provocation on the part of the plaintiff. Defendant left against the will and consent of her husband, A. F. Porter, and has stayed away ever since. When defendant left, she took all her things except what

she ordered took to her brother-in-law, Isaac Clay's.

Defendant sold her cow and calf to husband, A. F. Porter. Father did not furnish defendant any money to go away and the cow and calf was all the live stock she had. It was fully understood at the time that when defendant left, she was making a final separation from her husband which was against his will and consent.

Cross examined by defendant, Lizzie Porter, in person

Q: How much money did you ever know of your father giving me?

A: I don't know of him giving any money but you always got what ever you called for.

Q: State if I didn't make my own living.

A: No, I don't

Q: Did not I buy things with my own money for the table?

A: If you ever bought anything, I don't know anything of it.

Q: Did not your father take mad spells and not use my things?

A: Yes, I have heard him say that he would not sit on your chairs because you would not let any of his children sit in your chairs.

C. C. Porter

filed Oct. 2, 1907

Carter Circuit Court

A.F. Porter, Plaintiff.

-vs- Notice.

Lizzie Porter, Defendant.

The plaintiff, A. F. Porter will take notice that the defendant, Lizzie Porter, will on the 17th day of April, 1908 between the hours of 8 o'clock AM and 5 o'clock PM at the Law Office of Brown and Cassady in the city of Olive Hill, Carter County, Kentucky, proceed to take the depositions of sundry witnesses to be read as evidence on defendant's behalf on the trial of the above stated action, pending in the Carter Circuit Court and will continue the taking from day to day sundries excepted until through.

John M. Waugh

Ben Cassady

H. Clay Brown

Attorneys for Defendant

DEPOSITIONS

The deposition of Sam Porter, taken on the 17th day of April, 1908, at the Law office of Brown & Cassady, in the town of Olive Hill, Carter County, KY to be read as evidence in behalf of Defendant in an action between A.F. Porter, Plaintiff and Lizzie Porter, Defendant, now pending in the Carter Circuit Court.

The witness after first being duly sworn, deposeseth and says:

Q. State your name, age and residence.

A. My name is Sam Porter, Age 24, residence Jacobs, Carter County, KY

Q. Are you acquainted with the plaintiff and defendant in this action and what relation to either of them, if any?

A. I am acquainted with both of them, the plaintiff is my Father, and the defendant, my Step-Mother.

Q. Do you know whether or not your Father owns any property in this state, real or personal, if so, what is it?

A. He does not that I know of anything.

Q. Do you own any real estate or hold any for anyone else?

A. I own some.

Q. From whom did you get it and how?

A. A.F. Porter, for the cash.

Q. Isn't there an arrangement between yourself and A.F. Porter, the Plaintiff in this action by which you fixed up to claim this property and pay taxes on it in order to defeat any alimony that the defendant might be allowed in this action?

A. I did not.

Q. Have you a deed to the property you mention? If so, is it on record and how much did you pay for the property, and when did you buy it?

A. I have no deed, just a bond for a deed. The bond is not on record. I got this bond along in the last month sometime. I paid \$250 for it.

Q. Whose money did you pay for this property with?

A. It was my own money.

Q. How much is there of the property, and what is it worth?

A. The entire farm is worth five or six hundred dollars and I have only the life time interest of A.F. Porter in the farm.

Q. Did you ever tell anyone that you paid taxes on this place and had a bond for it and that it was fixed up between yourself and your father, A.F. Porter?

A. I did not.

Q. Who is living on this place?

A. Charley Porter

Q. Please tell whether or not he is renting it, and if so, who from?

A. He is renting the place. I rented it to A.F. Porter and he is renting it to him.

Q. Were you frequently about plaintiff and defendants house while they lived together and do you know anything about the habits of the defendant, as to whether she was industrious or not?

A. I was about them occasionally. She was industrious in one way. She was tending to flowers to sell and get money to make trips to Missouri and Arkansas to see her children.

Q. Do you know how many trips of this kind she made in twelve years?

A. I don't know exactly.

Q. To refresh your memory, do you know that two trips is all she made and that on one of them she was attending court?

A. No sir, I don't.

Q. Will you state that she made more than two trips in twelve years?

A. To the best of my knowledge, I will.

Q. Now, to the best of your knowledge, how many trips did she make in that time?

A. Three or four or something like that.

Q. Did she have children living at either of these places?

A. That is my best information.

Q. Does not the plaintiff, A.F. Porter, live on the property you mentioned awhile ago?

A. Yes, sir. He stays there with Charley.

Q. How much rent does he pay for the land?

A. \$25 per year.

Cross Examined

Q. Please state whether or not the last time she left, if she did not make a permanent separation from the plaintiff.

A. I could not say whether she did or not.

Q. State whether or not defendant has any children living in Arkansas.

A. Not that I know of.

Q. Did defendant go at one time and stay as long as thirteen months in Arkansas?

A. Yes.

Q. At that time, did she make a final separation?

A. She did.

Q. How often was you at the house where plaintiff and defendant lived during the time they lived together as man and wife?

A. I lived in the house with them about nine years.

Q. During the time that you lived there with them, what was plaintiff's conduct toward defendant?

A. He was kind and affectionate to her.

Q. State whether or not during that time he provided plenty for her.

A. He did.

Redirect

Q. Are you acquainted with your Father's hand write? (Question forgotten in examination in chief)

A. Yes, sir.

Q. Are you sufficiently acquainted with it to recognize it when you see it?

A. I could not tell exactly whether I could or not.

Q. I will get you to look at this letter dated August 21st, 1907 and signed by A.F. Porter, and say whether or not that is your Father's handwrite and signature.

A. My best judgment is that it is.

Q. Will you file this letter and make it a part of your deposition?

A. I could not say about that.

Sam Porter

Also the deposition of Dan Clay, taken at the same time and place and for the purpose stated in the caption.

The witness being duly sworn deposes and says.

Q. State your age, name and residence.

A. My name is Dan Clay. I reside in Olive Hill, Carter Co., KY.

Q. Are you acquainted with the parties to this action? A.F.

Porter and his wife?

A. Yes, sir.

Q. How long have you known them?

A. I have known the plaintiff ever since I was a boy, and the defendant for ten or twelve years.

Q. Were you about their house frequently while they lived together as man and wife?

A. Yes sir. I was there frequently. I lived on their place.

Q. Did you work there some?

A. I worked there some and took my meals at the house.

Q. I will ask you if they got along well?

A. I never heard any trouble when I was there.

Q. You may state whether or not the plaintiff's house was well kept by the defendant, and if she was not a good cook and an industrious woman?

A. Yes, sir.

Q. Did the Plaintiff have some children by a former marriage which stayed with him and the defendant? If so, is it or not a fact that the defendant, Mrs. Porter, took care of them, treated them well and tried to teach them?

A. Yes, Sir, she did.

Cross Examined

Q. When was it that you lived on their place? (A.F. Porter's)

A. I don't remember what year it was.

Q. Give your best judgment as to the time.

A. My best judgment is that it was in 1896.

Q. Was that the time that you was frequently at their house?

A. Yes, along about that time.

Q. What relation are you to the defendant, Lizzie Porter?

A. She is my aunt, my mother's sister.

Q. What is your feeling towards the plaintiff, A.F. Porter?

A. We have not been on very good terms.

Q. I will ask you to state whether or not you have spoken to each other for about eight years?

A. I never has be past speaking to him and never passed him without speaking to him.

Redirect

Q. What was the cause of the trouble between yourself and Mr. Porter?

A. One reason was that he tried to kill my brother one time. He went so far as to try to cut his throat and cut his vest strap in two that goes across his shoulder.

Recross

Q. I will ask you to state whether or not it is a fact that ever since that difficulty, you spoke of occurred, there has been bad feeling between yourself and the plaintiff?

A. Yes, sir.

Dan Clay

The further taking of these depositions is adjourned until Saturday, April 18th at 9 o'clock A.M.

Lillie C. Brown, Ex. C.C.

Also the deposition of Charley Jacobs taken on the 18th day of April, 1908, pursuant to adjournment as per the order above, at the same place and for the purposes mentioned in the caption, the witness being first duly sworn deposes and says.

Q. State your name, age and residence.

A. Charley Jacobs, age 48 and I live in Carter County, KY.

Q. Are you acquainted with the parties to this action?

A. I am acquainted with the parties to this action.

Q. Do you remember when the defendant went away some place and was said to be in Warrensburg, Missouri?

A. I remember of her going, but don't remember the exact time.

Q. Did you hold any official position in Carter County at the time? If so, what was it?

A. Postmaster at Jacobs, KY.

Q. Is Jacobs the post office address of A.F. Porter, the plaintiff in this action?

A. Yes, sir.

Q. I will ask you whether or not while the defendant was gone if any letters came from Warrensburg, Missouri addressed to the plaintiff, A.F. Porter, and if so, what did he do about it. Did he give you, as postmaster, any direction regarding

letters postmarked from Warrensburg, Missouri? If so, what directions did he give you?

A. He directed me, as postmaster, not to hand out any more such letters to him.

Q. I will ask you whether or not you know of the plaintiff destroying any mail received by him from Warrensburg, Missouri?

A. No sir, I do not.

Q. Are you acquainted with a woman by the name of Bettie Patton?

A. I am.

Q. While you was postmaster and the defendant was gone, did you receive from Bettie Patton any direction with regard to certain of her mail coming through your office? If so, what was it?

A. I did. She said if any more mail was posted there by the plaintiff, directed to her, not to hand it out.

Q. Was that direction oral or written?

A. It was written.

Q. If you have that order and can find it, will you send it here and file it and make it a part of this deposition?

A. Yes, sir.

Cross Examined

Q. Please state whether or not A.F. Porter ever mailed any letters to Bettie Patton at your office?

A. I don't remember whether he mailed any or not.

Q. When was it that the plaintiff, A.F. Porter, gave you any directions not to hand out any letters addressed to him from Warrensburg, Missouri?

A. I don't remember the date.

Q. Is it or not a fact that the defendant had been gone more than twelve months when plaintiff gave you this notice, and did not he tell you at the time that twelve months was up and he did not want any more mail from the defendant?

A. Yes, sir. He told me that the twelve months was up and he did not want me to hand out any more mail from her.

Q. How far do you live from where the plaintiff and defendant lived when they were living together as man and wife?

A. It is a supposed distance of about one mile and a half.

Q. Please state whether or not it is a fact that the defendant did break off and leave plaintiff and his home and stay as long as thirteen months at a time, before she went away the last time.

A. I never kept any account of the time that she stayed away,
but she went away different times.

Q. In your best judgments, state whether or not defendant has
stayed away from Plaintiff as high as twelve months.

A. I could not make a statement as to that. I never kept any
account of the time.

Charles Jacobs

Also the deposition of Kate Pelfrey taken at the same time and place and for the purpose stated in the caption pursuant to adjournment on the 18th day of April, 1908.

Q. State your name, age and residence.

A. My name is Kate Pelfrey and I am 34 years of age and live in Carter County, KY.

Q. Are you acquainted with the plaintiff and defendant in this action?

A. I am acquainted with the plaintiff and defendant in this action.

Q. Are you a single or married woman?

A. I am a single woman - a widow.

Q. I will ask you if you was at the plaintiff's house some time about last June.

A. Yes, Sir.

Q. Did you have a conversation with him concerning the defendant and his getting a divorce from her?

A. No, sir.

Q. If you had any conversation with him about the matter at all, tell what it was.

A. He told me that he was going to get his divorce from the

defendant. He asked me in the same conversation if I would talk to him and I told him I would when he got his divorce.

Q. I will ask you if it is not a fact that you are now engaged to him provided he gets a divorce.

A. Yes, sir, I am.

Q. I will further ask you if it is not a fact that he has been a regular caller upon you for the last year?

A. No, sir.

Q. How long has he been a regular caller?

A. Since the last of October or the first of November.

Q. I will ask you if it is not a fact that he, the plaintiff, has not been keeping your stock the past winter, furnishing fuel and in other ways assisting you in the keeping of your family?

A. He has furnished me the wood, but I have done the other myself.

Q. Is not it a fact that he has furnished you shoes for your children?

A. He got my little girl a pair of shoes for a Christmas present.

Cross Examined

Q. In the conversation that you speak of in your direct examination in which you say that Plaintiff told you he was going to get a divorce from the defendant, I will ask you to state whether or not in that conversation that defendant had abandoned him and his home against his will and consent and stayed away more than one year.

A. Yes, sir.

Q. If that conversation did not occur since this suit was filed?

A. Since this suit was filed.

Redirect

Q. Do you remember the date that the defendant left home or why she went or the day of the filing of this suit or of your own knowledge how long she stayed away?

A. I do not.

Recrossed

Q. If this conversation that you speak of did not occur about the last of October or the first of November?

A. Yes, sir.

Kate Delfrey

Also the deposition of Ettie Elam taken pursuant to adjournment on the 18th day of April, 1908 at the same time and place and for the purpose stated in the caption.

The witness being first duly sworn states:

Q. State your name, age and residence.

A. Ettie Elam. Twelve years of age and I live in Carter Co.

Q. Do you know the plaintiff, Alex Porter?

A. Yes, sir.

Q. I will ask you if a short time after the defendant, Lizzie Porter left home and went away somewhere if while riding on his wagon he sent any word to your mother by you and if so, what was it?

A. This was about two years ago. He said, "Tell your Mother that if old Mart Patton left home, that someone loved her better in five minutes than Mart Patton did in thirty years."

Cross Examined

Q. I will ask you to state if the conversation that you speak of did not occur while defendant Lizzie Porter was gone to Arkansas in which she stayed about thirteen months.

A. I don't know where she went, but it was the last time she went away.

Ettie Elam

State of Kentucky

County of Carter/sct.

I, Lillie C. Brown, Examiner for Carter County, KY do certify that the foregoing depositions of Sam Porter, Dan Clay, Kate Pelfrey, Charley Jacobs and Ettie Elam were taken before me at the time and place mentioned in the caption and adjourning order and written by H.C. Brown by an agreement of the attorneys and parties to the case after the witnesses had been duly sworn by me (except Charley Jacobs who was taken by attorney, H.C. Brown) and read to them and subscribed by them in my presence both parties being present during the taking given under my hand this the 18 day of April 1908.

Lillie C. Brown, Ex. C.C.

The statements in this certificate are correct.

J. B. Johnson, Attorney for Plaintiff

Jno. M. Waugh, Attorney for Defendant

The following handwritten note was attached to the depositions:

Jacobs, Ky
Aug the 21, 1907

Dear sterling and pearl,

Lizzie writes me that she wants to come home. You know how unpleasant life has been to us ever since we have been married. I told her if she ever went away anymore without my consent, she would have to stay. I can not nor will I try to live with a woman that does as she does. Hope you will not let her come back anymore. She would not stay if she was here. I have filed suit for a divorce which will be tried at the October term. I have sufficient grounds for divorce and can get it if she comes but it will be very unpleasant to us both for her to be here during the suit.

Yours respectfully,
A. F. Porter

Carter Circuit Court

A.F. Porter,

Plaintiff.

-vs-

Judgment.

Lizzie Porter,

Defendant.

This cause having been submitted for Judgment on the call of the Equity Docket, and the Court being sufficiently advised, orders and adjudges, that the Plaintiff, A.F. Porter be and is hereby divorced from the defendant Lizzie Porter, and that the bonds of Matrimony, heretofore existing between them, be and the same are hereby dissolved and held for naught, and that the Plaintiff be restored to all the rights of a single and unmarried man.

It is further adjudged, that the Answer and Counter Claim of the defendant Lizzie Porter, be dismissed, and this cause is now stricken from the docket.