

Papers in the files of Nancy Martin vs Orson Martin
Clark Circuit Court, Civil Cases, 1813
Kentucky Department of Libraries and Archives
Frankfort, Kentucky
compiled by Harry Enoch and distributed 6-5-03

The Complaint

To the honorable Judges of the Clarke Circuit Court in chancery sitting. Your oratrix Nancy Martin humbly complaining, Sheweth that on the day of she intermarried with Orson Martin, whom she prays may be made defendant to this bill; that for many years they lived happily together, but at Length he began to addict himself to intoxication, and he became extremely sour & morose; that for about seven years he has been in the habit of beating your oratrix in the most cruel, barbarous and inhuman manner; that he has often punched, choaked, beat and bruised your oratrix most cruelly & barbarously; that he has often threatened her life and that he would poison her; that he has wasted his estate untill nothing is left for the subsistence of your oratrix & family; that he is not only greatly embarrassed with debt & his creditors threaten to take every thing she can make by the proceeds of her industry, but he himself threatens to take every thing she can make from her, while he himself does nothing for a living, and that in fine? his conduct, your oratrix & her children are reduced to the most abject distress & dependence &c to the end, therefore, that said Orson Martin may answer this bill; that by a decree of your Honors she may have alimony and a separate maintainance decreed her, and that his power over her may wholly cease; and that she may *be* divorced from her Husband, pursuant to the act of Assembly in such cases made and provided, she prays the court of *illegible* &c directed &c. R. Trimble

Depositions in Support of the Complainant

The deposition of Sally Bush taken at the House of John Ward in Winchester, Clarke County, on the 12th day of August 1813, for to be read as Evidence in a suit in the Clarke Circuit Court in Chancery wherein Nancy Martin is complainant and Orson Martin is defendant, who being of Lawfull age and first sworn, deposeth and saith that some time after Nancy Martin had dropped? the suit from Court from against Orson Martin, she this deponant heard Orson Martin say that Nancy Martin had been as kind a wife as he the said Orson could wish for, and further saith not. Sally Bush, her mark

Also the Deposition of Polly Spurr, who being of Lawfull age and first sworn, Deposeth and saith that in August 1812 she this deponant was at Orson Martins and at the time she was there Orson Martin came Home and caught hold of Nancy Martin by the arms and punched them untill they were Bruised with out any cause that she this deponant saw, and further saith that she this deponant has frequently heard Orson Martin abuse by harsh Language the said Nancy Martin, and further saith not. Polly Spurr, her mark

Also the Deposition of Julius Watts, who being of Lawfull age and first sworn, deposeth and saith that sometime last winter he this deponant heard John Dyke say that if Nancy Martin would give Security, or give? her word that the property that he the said Dyke had Executed of Orson Martin Should be brought forward at the day of sale, that he

the said Dyke would not take it away, and the said Orson Martin Replied to the said Dyke that they had Law on our side and we will make use of it, and further saith not. Julius Watts

Also the deposition of John Lisle, who being of Lawfull age and first sworn, deposeth and saith that som time last winter he this deponant went from Orson Martins Fathers home with said Orson Martin after the sale and asked Nancy Martin for his Clothes, and the said Nancy Martin gave the said Orson his Clothes, and this deponant took the said Orson Martins Clothes to John Georges?, and further saith that he this deponant had been frequently at the said Orson Martins and heard him the said Orson Martin abuse and *illegible* the said Nancy Martin with out cause as he this deponant thought, and further saith not. John Lisle

Also the Deposition of Gilson Martin, who being of Lawful age and first sworn, deposeth and saith that two years last winter Nancy Martin sent to the Grist Mill for him the said Gilson to come to the House, and sent word that Orson Martin was choking her the said Nancy to Death, and he this deponant went to her the said Nancy Martins relief, and when he got to the House Orson Martin was a choking the said Nancy Martin, and he this deponant states that he pulled him the said Orson away from the said Nancy Martin, and the said Orson seized the said Nancy again, and he this deponant pulled him away again, and he the said Orson *illegible* and swore that he would kill some of the Family, and this deponant further states that he has Released the said Nancy Martin from the said Orson at different times, and this deponant further states that he heard the said Orson Martin say that he had a dirk in his bosom and that he would Kill the said Nancy Martin with it, and this deponant further states that he Saw John Martin, son of Orson Martin, pull the said Orson Martin away from taring the Clothes off from Nancy Martin, and tied him the said Orson Martin to prevent him from doing some mischief, and further saith not. Gilson Martin

Also the Deposition of Joseph Martin, who being of Lawfull age and first sworn, deposeth and saith that at sundry times he this deponant pulled Orson Martin away from beating and abusing Nancy Martin, and further states that about 3 years ago the said Orson Martin was lame in his ancle and at that time he the said Orson Martin caryed 3 knives with him and swore that he would Kill Nancy Martin on a certain knight and if the said Nancy Martin left the House he would burn it down, and further states that at a later time that he this deponant did help to confine him the said Orson Martin to keep him the said Orson from beating the said Nancy Martin, and further states that he frequently heard the said Orson Martin say that the said Orson Martin would take Everything from the said Nancy Martin, that she should have nothing to subsist on, and further saith not. Joseph Martin

Clarke County to wit. I do Certify that the fourgoing Depositions was taken, sworn to and subscribed to before me John Ward, a justice of the peace for Clarke County, at the time and place, day and date mentioned in the heading of the same, agreeable to notice given under me to *missing text* cost of taking Depositions *missing text* John Ward

Answer by the Defendant

The answer of Orson Martin to a bill in chancery exhibited against him in the Clarke Circuit Court by Nancy Martin. This Defendant saving & reserving to himself now & at all times hereafter all benefit of exceptions to the numerous errors & untruths in said bill contained, yet for answer to so much as this Defendant is advised is material for answer, says that true indeed he day of intermarried with this complainant & that for many years they lived pleasantly together.

This Defendant admits he is some times so unfortunate as to become intoxicated, but he denies that their disagreement was owing to this fact solely, but to the bad disposition of this complainant. Said complainant used every means in her power to provoke & irritate this Defendant & also caused her children to be guilty of similar conduct.

This Defendant admits he has been guilty of many improprieties & perhaps when greatly provoked has said & done many things which without great provocation never would have happened. This Defendant charges that said complainant has been greatly the means of producing their disputes. That when this Defendant was partially intoxicated, said complainant instead of endearing to please & oblige this Defendant, would exert all her power to disoblige, displease, irritate & render morose; that in this way this Defendants temper has become soured.

This Defendant denies that he has cruelly, barbarously & inhumanly treated said complainant. This Defendant *denies that he* beat & bruised said complainant. He denies that he has often threatened her life or that he would harm her.

This Defendant confesses he has become embarrassed in his circumstances & that his creditors have taken some of his property, but this Defendant charges that said complainant, her children & her brother have taken more of his property than his creditors & that their conduct has been the principal cause of his embarrassment & that they know the way most of his property has been wasted, viz. by themselves.

This Defendant charges that said complainant has refused him food in his own house & that when he attempted to help himself she would try to push him away & persuade her children to whip him & beat him & domineer over him.

This Defendant charges that said complainant has persuaded her sons to take from him his tools & so prevented him from work, but he states that when it has been in his power, no man is more industrious & that she has uniformly taken the proceeds of his industry.

This Defendant denies that he has taken one cent of their earnings or that he wished it. This Defendant charges that if said complainant & her children are reduced to abject distress & dependance, it has been owing to their own misconduct & not to any thing he has done.

Said complainant charges that this Defendant has wasted his estate untill nothing is left & yet she prays this Court to decree her alimony & a separate maintainance. This Defendant is perfectly willing that said complainant should have a divorce, as he would not wish to prevent her from marrying again, provided she pays all cost & charges that may arise in gaining it.

This Defendant calls upon said complainant to answer upon oath the following questions, viz.

What ever became of the crockery that was in our house when we first parted?

What has become of my drab coloured cloth great coat?

On whose ground did you & your children live & raise crops for many years & what became of said crops?

To whom did you & your son Joseph sell my grindstone? & what became of the price?

To whom did you & your son Joseph sell my vice & who had the price of it?

Who locked my shop & hid my anvil & tongs to prevent my going to work?

Who refused to let me stay in my house & when I asked for water told me to go to the mill race & drink.

Who refused to wash for me? Did you not?

Did not you say the children had done right to put me in the mill race & tie me there?

When your boys tied me in the garden, did not you say the garden was a good penitentiary for me & good enough for me?

Did not you say to me, “you had better go & burn William Taylors mill again”?

This Defendant prays the complainant may be put to the full proof of the bill & the several allegations & that she may answer on the corporal oath the foregoing interrogators & that this Defendant may be hince dismissed with his costs. This Defendant charges that said complainant has harrassed this Defendant with one suit befor, nearly one year *ago* & then when she found the proof against her rather strong, she dismissed it at her costs. This Defendant denies all fraud &c. Robbin for Defendant

State of Kentucky, Clarke County Sct. This Defendant Orson Martin made oath to the foregoing answer before me, a justice of the peace for said county & in due form of law. Given under my hand & seal this 7th day of September 1813. John Ward

Transcribed from the original court documents; questionable words are followed by ?; some punctuation has been added for readability; all other additions are in italic.

Harry G. Enoch
Winchester, KY 40391
June 5, 2003