

1 7, S. E. Div.

was never any divorce between the soldier and his wife, Caroline, and in his opinion this marriage, which took place in slave times, was legal and lawful; that he is not related in any way but became acquainted with them from association in church; that the children by this wife are all good, showing they had a good mother as he knew Caroline to be; that he is aware that the soldier, John Wesley, and Caroline, his wife, were married during the days of slavery according to the customs then required by certificate and it is his belief that they never conformed to the requirements of the state of Maryland to legalize their marriage after the war; that he knows they lived together as man and wife after the war up to the time he took up with the claimant and thinks was before the wife, Caroline, had died, and from his intimacy with the parties he is sure that if they had taken steps to legalize their slave marriage, he would have known it.

The evidence clearly shows that during the days of slavery the soldier and Caroline were married according to slave-custom sometime in 1854, and continued to live together and cohabit as man and wife until their emancipation; that after they became free, they continued to live in the observance of all the duties and obligations of their slave-marriage, raising a creditable family of four children, until 1878, when the soldier abandoned her, and shortly