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father and mother to our marriage and they gave their consent, he came that day about 9 o'clock in the morning spent the day taking dinner with us and left at about 4 o'clock in the evening. *He return*  
*when he left on Tuesday he made an engagement to enter in the following Sunday.*  
ed to our house the following Saturday. *He* came in the morning and spent the day, and left late that evening, on this visit we discussed *and spoke of our future plans and business.*  
our marriage *and* he again said that he did not want any long engagement and told me if Mr. Sullivan or Mrs. Pointer came to see me and talk about the matter for me not to say any thing at all he said that his people didnt want him to marry as they wanted all of his property when he died. He said on this last visit *he wanted* to see if I had weakened any, on this visit he asked me to kiss him, which I at first refused to do but finally consented and did kiss him. *He said as a girl was engaged to a man and died before she would*  
It was agreed between us that we were to be married at the house of My brother James Odill who lived in Nashville, and that I was to go there on the following Monday and while in Nashville I was to get my bridal outfit and that he was to visit me while I *He said he would be there because his family would be there*  
was in Nashville. *His last visit of Mr. Brown was on Saturday*  
about the 6th of January 1894, on the next day Sunday morning Mrs. Pointer and Mr. John S. Brown the brother and sister of the defendant came to our house and called for me and my mother. *My mother and*  
myself went into the parlor and saw Mrs. Pointer and Mr. John Brown and Mrs. Pointer had a bible in her hand and said that her brother William Hugh Brown had asked her to come and submit some passages of scripture to her but ~~she~~ Mrs. Pointer did not read the passages of scripture nor did she or her mother do so, Mrs. Pointer said that their pastor Mr. Sullivan thought it was very *and sinful* ~~strong~~ for the defendnat to marry while he had a living wife and she said futher that her brothers wife Mrs. Laura Brown was in very delicate health and had the consumption and the dropsy and would not live *very*  
long, Mrs Pointer said that she had no objection to her brother Marrying me were it not for the fact that he had a divorced wife *if* then living, but that if I would wait until that wife was dead thing

*never go back on him his marriage.*

would be all right that his divorced wife was in delicate health and could not live long and that when she died she Mrs. Pointer, *Mrs. Pointer said she thought it was a compliment to both of us that we had fallen in love with each other* would be perfectly willing for her brother to marry me. I said I would like to see the defendnat then his brother John S. Brown said he would go after him and Mr. John Brown then went out and got in his vehicle in which he and Mrs. Pointer had come to our house and drove off to Spring Hill about two miles distant and in about an hour Mr. William Hugh Brown came.

When Mr. Hugh Brown got to our house my father had gone to church and Mr. Brown came into the parlor where myself my mother and Mrs. Pointer were, he came in and sat down and put his face down into his hands and looked into the fire for some time and nothing was said, for some length of time *he look at a picture on the wall* and then Mr. Brown said that he wanted to have a private interview with me, and thereupon we both left the parlor leaving my mother and Mrs. Pointer in the parlor and we walked across the hall into another room, (I closed the parlor door as I left and) I (also) closed the door of the room into which Mr. Brown and I went, when we got into the room Mr. Brown said that if I was willing we would postpone our marriage until after the death of his divorced wife Mrs. Laura Brown, that she was in very delicate health and could not live long and that it would

*be better for us to wait until her death and we would then get married* I agreed to this and it was then agreed between us that we would postpone our marriage until the death of Mrs. Laura Brown and that just as soon as she died we would then get married.

*Turned for did in my life* Mr. Brown ~~offered me~~ some money with which to buy a ring, and also wanted to give me the money to pay my expenses. *which was* I at first declined to receive it but finally accepted it, *which was* to Nashville which last I declined but accepted the money for the my five dollars. *At his request that I take it to Nashville and buy* a ring with it. Mr. Brown and I then left the room and went back

into the parlor where Mrs. Pointer and My mother were, and then Mr. Brown and Mrs. Pointer left, Mrs. Pointer kissing me as she left. *X* I went to Nashville the next morning to my brothers and while I was in Nashville I went with my brother *Rush's* wife and bought the ring

with the money which Mr. Brown had given me, the witness here produced <sup>and stated that it had been accidentally thrown off of the mantel piece</sup> ~~into the fire which accounted for its defective condition and had reached it out of the~~ who kept the ring and showed it to the jury, the witness further stated

that while she was in Nashville in her brothers house she wrote to the defendant a letter in very tender and loving terms and stated to him that she was not happy or satisfied and intended to return to Spring Hill, this letter was in very affectionate terms and contained words of tender endearment such as a woman would write to a man to whom she was engaged to be married, in this letter I asked the defendant to destroy this letter, ~~or to return it to me~~

The reason I did this was that I did not want any one to see it. <sup>In this letter I spoke of the ring and told him the kind I had bought</sup> Mr. Brown answered my letter very promptly and returned the letter <sup>he said that I might know that it was safe.</sup>

which I had written to him. In his letter to me he said there was no reason why I should blame myself for any thing and that he was the only one that was to blame for the shape into which the matters

were gotten and that we would wait Gods own good time and we would <sup>He referred to the ring and was glad I had bought it and also again</sup> yet be happy. I showed to my brother Rush Odill who was also liv-

ing in Nashville both of these letters that is the one that I had written to Mr. Brown and his reply to it, and after my brother had read the two letters, I put them in the fire and burned them.

I remained in Nashville nearly a week and then came home. Mr. Brown <sup>at Sunday school and a prayer meeting</sup> never came to our house again but I met him frequently at church <sup>from my brother had two years over another person and frequently met him</sup> and in the village of Spring Hill on the ~~public highways~~, and we

had frequent conversations together. On one occasion my sister Miss Rose Odill and myself drove down to the railroad station near Spring Hill about <sup>18 months</sup> ~~two weeks~~ after my return from Nashville

and while we were there we saw the defendant Mr. Brown, who was looking after the shipping of some wheat. While my sister and myself sitting in the carriage Mr. Brown came up and got into the carriage with us and I asked him why he looked so bad, and he said he was perfectly miserable and I then asked him why he did not travel and he said that he did not want to spend his money, as he was saving it for me, this was about 18 months after I had first agreed to marry him.

ordered to Mrs. Brown's law state of health.

*Who is still living*

Mr. William Hugh Brown is now married, ~~he~~ married Miss Dora Bunch about December 20. 1897, the first information I had of his marriage was from my father he had been to Nashville that day and got the information from the daily paper that Mr. Brown had been married to Miss Dora Bunch the day before, and when he came home that evening he told us of the marriage and this was the first information I

had of it. *With the exception of*

*crushed to the ground as a young man and did not go in society, from that time he engaged went to Mrs. Brown met after his marriage with Miss Dora Bunch. The time he was honest and sincere to Mary, and it was a long time before he showed down to at a time and herself has no conscientious scruples about marrying her while his divorced wife was living*

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Cross examination-- The first time Mr. Brown ever visited our house was on the last Sunday in 1893, we had a dining that day and Mr. John S. Brown and Mr. Pink Caperton, and some others were invited to take dinner with us, Mr. Hugh Brown came there but had not been invited to come, he did not have an opportunity that day to talk with me but just before he left he told me he was coming back Tuesday and that he wanted to see me specially, and he did come back on Tuesday, and he and I were in the parlor nearly all day together and he asked me to marry him and I agreed to do so, and we agreed to marry at My brothers in Nashville on the 18th day of January 1894 he asked me not to say any thing about it, after my return from Nashville he never visited me again but I saw him at church, and met him on the road as we would accidentally meet passin to and from Spring Hill, he owned a farm about three miles from Spring Hill and went to his farm very frequently, and in going to his farm he passed by our house but our house was about half a mile from the pike, he boarded at Mrs. Pointers his sister a good deal of the time and Mrs. Pointers house was about one mile from Spring Hill and I frequently saw him as he was going to or from Mrs. Pointers house, until Tuesday 2nd day of January 1894 ~~Mr.~~ Mr. Brown had never made love to me in any way but he had helped me out of the carriage at church and his manner towards me led me to think that he was in love with me, after the time I had agreed to marry him and after my return from Nashville, from the visit referred to he always helped me out of the carriage at church and some time gave me wax and bananas although the subject of our marriage was never mentioned between us after the Sunday that Mrs. Pointer and Mr. John S. Brown and the defendnat were at our house, as before related, but Mr. Brown was always very attentive to me, whenever he met me at church or on the public road, and he kept this up until about the time of his marriage with Miss Dora Bunch, ~~the morning~~

Next witness for plaintiff F.K. Odill--testified as follows,

I am the father of the plaintiff and she lives with me, we live about two miles from Spring Hill, I have known the defendant W. Hugh Brown for about forty years he has lived in the Spring Hill neighborhood nearly all of his life, I am sorter of a farmer, and some time engage in the butchers business, on Tuesday 2nd day of January 1894 the defendant came to my house at about nine o'clock in the morning, and took dinner ~~there~~ there and left at about four o'clock in the evening, before he left he sent for me and I went into the parlor to see him and he told me that he and my daughter Alberta had agreed to marry on the 18th day of the month and he asked my consent to their marriage which I gave but told him that they ~~that his people would raise objections, that I did not want him to hurt my daughter's heart~~ ought not to be hasty about the matter (I told him he was a great deal older than my daughter but he said my old man made a better husband than a young one) on the following Sunday Mrs. Pointer and John S. Brown defendant's sister and brother came to my house in the morning and called for Alberta and her mother, my wife and daughter went into the parlor where they were, I was at the well drawing water when they came and I did not go into the parlor at all not a great while after they came Mr. John S. Brown went out and got in their buggy and drove off towards Spring Hill, and not long after that I drove into Spring Hill to church and on my way I met the defendant driving out to my house-- On the next day my daughter went to Nashville to visit her brother and she remained there nearly a week ~~about two weeks~~ after her return from Nashville, I had a conversation with the defendant over my sons store in Spring Hill, upon the subject of his marriage with my daughter, I told him that I had letters from two Presbyterian preachers in Nashville in which they stated that they did not think it was a sin for a man who had a living wife from whom he was divorced to marry again Mr. Brown said he and my daughter had settled that and that they had agreed to postpone their marriage until after the death of his divorced wife-- Mr. Brown is generally reputed to be worth

ten or twelve thousand dollars and was reputed to be worth that amount at the time of his engagement to my daughter.

7  
7  
About December 20 1897, I went to Nashville in the Morning and returned in the evening while on the train I read in the Nashville paper an account of the marriage of the defendant with Miss Dora Bunch, when I got home I went in the room where my daughter and her mother were, and my daughter was sitting <sup>near the</sup> ~~on the~~ bed at the time I told them that Hugh Brown had married Miss Dora Bunch the day before, my daughter sprang to her feet, and then threw herself upon the bed, with her face in her hands, and I thought she was sobbing, for some time after this she was very restless at night and I got up frequently and made a fire for her



Crass examination-- Do you not know as a matter of fact that the marriage engagement between your daughter and the defendant was broken off by mutual consent? Ans. No I do not, but I do know that it was not broken off but was only continued until the death of Mrs.

Laura Brown

Int. Do you know this of your own personal knowledge

Ans. Yes I do, for I got it from my family. *Hugh Brown and indirectly from my daughter through*  
*I never heard my daughter say anything as to how it was arranged*

Int. Is it not a fact that a day or two after your daughters engagement to marry the defendant, you went to Mr. C.E. Sullivan the pastor of the Presbyterian church at Spring Hill, and submitted to him the question, whether it was right for a woman to marry a man who had a divorced living wife?

Ans. I did

Int. Did you not visit Mr. Sullivans study repeatedly and daily for some time after the Sunday that Mrs. Pointer, and John S. Brown and Hugh Brown were at your house and were not such visits made for the purpose of discussing the subject of your daughters marriage

Ans. Int. I think I went to see Mr. Sullivan twice after that Sunday.

Int. Did you not tell Mr. Sullivan in one or more of these interviews that he Mr. Sullivan had interfered with your daughters marriage with Mr. Brown and that the marriage engagement had been broken off? (plaintiffs counsel here objected to the competency of this question and any answer thereto and the Court sustained the objection and the jury retired from the room and plaintiffs counsel then said that they had no objection to the witness answering the question before the jury but, that they would insist that defendant would be bound by witnesses answer, as it was an immaterial question *incompetent* and that the witnesses answer could not be contradicted, defendants counsel insisted that it was a material question and that he would have the right to contradict the witness if the witness should answer in the negative, thereupon the question was repeated to the witness in the absence of the jury and he stated that he had not said to Mr. Sullivan that the marriage between Mr.

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Brown and his daughter had been broken off, but he did tell Mr. Sullivan that the case had been continued)

X The jury was then recalled and the witness was asked if he did not some time in March 1894 in the town of Spring Hill and near the Presbyterian Church tell Mr. A.J. Campbell that the reason why you did not attend the Presbyterian Church as you had formerly done was that the pastor Mr. Sullivan had interfered and broken off the marriage engagement between Mr. Brown and your daughter Alberta?

(plaintiffs counsel objected to this question or any answer thereto for the reason that it was incompetent, and called for a statement made by the witness not in the presence of either of the parties

to the lawsuit, plaintiffs counsel stating that they did not object

to the witness answering the question but that they would insist

X that the defendant would be bound by the answer, as it was an <sup>incompetent</sup> immaterial question, defendants counsel stated that they should

insist upon the right to contradict the witness if he answered in the negative, and the question being repeated to the witness he

answered that he had made no such statement to Mr. Campbell at

any time or at any place, that he did not remember of ever having

any such conversation with Mr. Campbell at all, but that I know

that I did not tell him the marriage engagement had been broken

off for I knew that it had not been broken off but had been only p

postponed *and that he had gotten this information as stated in former answer*

X Re-examined by counsel for plaintiff--You have stated that you know

that the marriage engagement between your daughter and Mr. Brown

had not been broken off but had only been continued or postponed

from whom did you get this information?

7 Ans. from the members of my family and indirectly from my daughter Alberta *through members of the family and from H H Brown*

Int-- Did you ever hear your daughter Alberta say any thing about it? Ans. I did not, I Never had any conversation with her upon

the subject nor did I ever hear her mention it.

Next witness for plaintiff R.W. McLemore deposed--That he is 50 years old and has lived near Spring Hill all his life ,he knows the plaiantiff Miss Alberta Odill and the defendant W. Hugh Brown

X he knows the reputation ~~was~~ of Mr. Brown financially in January 1894, he was reputed to be worth ~~eighteen thousand~~ eight to ten thousand dollars. witness knows the general reputation of Miss Alberta Odill in this neighborhood, socially, morally and religiously and that reputation is good.

Gross examination-- Do you remember about the time that Miss Alberta Odill was said to have been engaged to marry W. Hugh Brown in January 1894? Ans. I dont remember the exact time but I remember they ~~it~~ was commonly talked in the neighborhood that they were going to be married. Is it not a fact that soon after it was understood in the neighborhood that they were engaged to be married that it was generally reputed in the community that the marriage engagement had been broken off, plaintiffs counsel objected to the question and any answer thereto the court, sustained the objection and the jury retired and the witness was then asked the question and he replied, that that ~~was~~ it was the general understanding in the neighborhood soon after the marriage engagement that the marriage had been broken off. Defendnats counsel then excepted to the action of the Court in excluding from the jury the above answer. Witness futher testified that he knew the general reputation of the defendant in the neighborhood, he belonged to one of the best families in the County and stood as high socially, morally and religiously as any body.

Th4t the engagement between Mr. Brown and Miss Odill and the fact <sup>reputation</sup> they did not marry has not injured her in the least in the community in any particular.

Mrs. F.K.Odill next testified--I am the mother of the plaintiff.  
On Tuesday about January 2nd. 1894 the defendant came to our house  
at nine oclock in the morning spent the day took dinner with us  
and left at four coclok in the evening before he left he sent for

me and told me that he and my daughter Alberta had agreed to marry  
*I told him he was a great deal older than my daughter. It is quite an  
old man much older than I am. I then consented to the marriage*  
on January 18. And he asked my consent to the marriage, which I gave

X He came back again on the following Saturday in the morning and  
took dinner at our house again and left in the evening, on the next  
morning Mrs. Pointer and Mr. John S. Brown came to our house, and M

Mrs Pointer brought a bible with her, my daughter and myself went in  
*and my daughter was arguing that the Bible committed the marriage of a woman to a  
divorced man while the divorced wife was living. That there was no objection*  
to the parlor where they were and sat there for some time, and my

daughter requested Mr. John Brown to go for his brother Hugh Brown  
Mr. John Brown went out and got in his buggy and went after Mr.

Hugh Brown my daughter Mrs. Pointer and myself remained in the parlor  
lor until Mr. Hugh Brown came and Mrs. Pointer did most of the talk  
ing, when Mr. Hugh Brown came he sat down in front of the fire  
and remained there for some time looking into the fire nothing was  
said by any body, Mr. Brown then said to my daughter Alberta that

he wanted to have a private interview with her, and thereupon they  
*and went into a room across the hall*  
X got up and left the parlor (and closed the door as they went out  
and went into the room across the hall and shut the door), Mrs. Poin

ter and myself remaining in the parlor, they were gone about 5  
X minutes when Mr. Brown came back into the parlor but I did not  
see my daughter any more after she left the parlor until after Mrs  
Brown and Mrs. Pointer had left, when Mr. Brown came back to the  
parlor Mrs. Pointer got up and they both left our house

Mr. Hugh Brown is now married he married Miss Dora Bunch the lat-  
ter part of last year, I first learned of it from my husband he had  
been to Nashville and on his return he came into the room where  
my daughter Alberta and myself were and said he saw in the paper  
that Hugh Brown was married, as soon as he said this my daughter Al  
X berta fell over on the bed, ~~and~~ with her hands to her face  
after that her nights were sleepless, but it did not affect her a  
great while

and that was the end of the matter. I was very much concerned about her but she was not hurt.

I remember that our pastor Mr. Sullivan came to our house a few days after the Sunday that Mrs. Pointer, John S. Brown and Hugh Brown were there,

Did you not tell Mr. Sullivan on that occasion that the marriage engagement between Mr. ~~Samuel~~ and Brown and your daughter had been broken off and that Mr. Sullivan was the cause of it?

Ans. I did not, but I did tell him it had been <sup>broken off for the present</sup> postponed until the death of Mrs. Laura Brown.

The next witness for plaintiff, Miss Rose Odill, testified.

I am the sister of Sarah Alberta Odill. After my sister's engagement to marry Mr. Brown, I saw them together frequently. He would come to our carriage at church and help her out: they would meet in the village, on the road at various places. About 18 months after they became engaged to be married, (which was on Tuesday about Jan'y 2nd, 1894), my sister Alberta and myself drove to the depot near Spring Hill in our carriage: while we were waiting there, Mr. Brown came up and got into the carriage with us. My sister, Alberta, asked him why he looked so miserable, and he said his life was perfectly wretched: she asked him why he did not travel: he said I don't want to travel, for I want you to get all my money: he said his life was perfectly miserable.

Cross-examination.

He said nothing about his marriage with my sister: he only said he wanted my sister to get all his money. He said nothing about waiting and that all things would be all right. Nothing of that kind was said: I saw them together often at church, he would help her out of the carriage, and was attentive to her: he never visited her until the day they became engaged to be married. He came that day, Tuesday, and was at our house again on the next Saturday and then on the next day Sunday: after that he was never at our house again: but he saw my sister nearly every week at church or on the road, and he <sup>was</sup> ~~seemed~~ attentive to her. Of course I do not know ~~what~~ passed between them. *He never said anything to*

Mrs.  
Plaintiff's next witness, Rush Odill, testified:

I am the ~~brother of plaintiff~~. In Jan'y 1894, I was ~~living in~~ .....  
 wife of Rush Odill, who is a brother of plaintiff. I went with  
 her In Jan'y 1894, when she bought a ring with the money Mr. Brown  
 had given her. Witness identified the ring which plaintiff had  
 previously produced, as being the one she bought when witness was  
 with her in Jan'y 1894, with the money Mr. Brown had given her for  
 that purpose. *Witness is in fact is  
 at that time. Witness has lived in since still  
 since then and has noticed the attentions  
 of deft to plff. as being different from his  
 attentions to other ladies.*

Plaintiff next introduced Rev. T. A. Harding, who deposed:

I am the pastor of the Presbyterian Church at Spring Hill: I suc-  
 ceeded Rev. C. E. Sullivan there in the Fall of 1894. I observed  
 Miss Alberta Odill and Wm. Hugh Brown together frequently: they  
 were together so often as to attract my attention: he was more  
 attentive to her than to any one else. He seemed to be atten-  
 tive to the ladies generally, but more so to Miss Alberta than to  
 any other one; so much so that it attracted my attention. *His atten-  
 tion to her was as quite different from his  
 past.*  
 Cross-examined.

I think I know Miss Alberta's general reputation in the neighbor-  
 hood: it is good. I don't think her reputation, either socially,

The next witness for plaintiff testified,

My name is Rush Odill: I am a brother of the plaintiff. In the first of January, 1894, I was living in Nashville. I remember when my sister came to Nashville to visit our brother, Ja's Odill the first of Jan'y 1894, that is in the early days of Jan'y 1894.

My sister showed me a letter which she had written to Mr. W. Hugh Brown, and Mr. Brown's answer to the letter. Her letter was in very loving terms, and said she was very unhappy over the matter of the postponement of their marriage. He said he was to blame, but if they would only wait God's good time, every thing would be all right: he said his divorced wife, Mrs. Laura Brown, was in very bad health and could not live long, and if they would only wait God's good time, they would be happy yet. After I had read the

two letters, my sister threw both of them into the grate and they were both burned. I do not remember the exact words of the letters but do remember that she also requested him to destroy her letter. I saw her letter lying on the grate and saw her throw it into the grate in order that it should be burned. I do not remember the exact words of the letter but do remember that she also requested him to destroy her letter. I saw her letter lying on the grate and saw her throw it into the grate in order that it should be burned. I do not remember the exact words of the letter but do remember that she also requested him to destroy her letter. I saw her letter lying on the grate and saw her throw it into the grate in order that it should be burned.

This is the substance of the testimony.



morally or otherwise has been damaged in any way by her reputed engagement to marry Mr. Brown, or by the fact that this engagement was not consummated. Her position in the community has in no

wise suffered by those facts. *She is a young lady, very  
independent, fine character and stands  
well.*

The plaintiff here announced that her proof in chief was closed.

The defendant thereupon introduced the following witnesses.

Ist.- Mrs. Jennie Pointer: she deposed as follows-

I am a sister of Wm. Hugh Brown. I live near Spring Hill, where I have lived for many years.. I remember the time when my brother, Wm. Hugh Brown, was said to have been engaged to marry Miss Alberta Odill. He never said any thing to me about it, nor did I ever mention the subject to him: but one Saturday night, early in

January, 1894, after I had retired, suffering with a severe head ache

he came to my house and came into my room and had a bible with

*He had a bible with him.* He said there were certain passages in the bible which he

had marked, and where the pages were turned down, that he wanted

X me to take out to Miss Alberta Odill, (and submit them to her and

ask her to read them, and form her own conclusion upon the question)

I told him I would do so. He then went to a room in my house,

and, I suppose, went to bed.. I got up the next morning, drove

into Spring Hill for my brother, Jno. S. Brown, before Wm. Hugh Brown had gotten up. I found my brother Jno. S. Brown in Spring Hill, and having the bible with me which Hugh had given me, we drove to Mr. Odill's house: when we got there, Mr. Odill, plaintiff's father, met us at the door. I asked to see Mrs. Odill and her daughter, Alber-

Xta: the old gentleman invited us into the parlor and came in and made up a fire: very soon Mrs. Odill and Miss Alberta came in:

I said to Miss Alberta that my brother Wm. Hugh Brown, has requested me to come and submit to her certain passages of the bible, and then ask her to determine matters for herself. I think she took the bible and read these passages and that then her mother read them and handed the bible to me and I read them: no one read the passages aloud. After a few moments, Mrs. Odill said: Berta, I

told you yesterday that you had better drop this matter and that it would be best for both of you to drop it. Miss Alberta said, Yes, I know you did and I think it is best to drop it and want to do so; but I want to see Mr. Hugh Brown first. I then said, yes, I think it is nothing but right for a lady, when she <sup>d cordr</sup> (breaks off an engagement with) a gentleman to tell him so in person, and my brother, Jno. S. Brown said he thought so too, and said if she wanted to ~~said Hugh Brown, he would have said and send her upon Miss Alberta~~

left and drove to Spring Hill, and in about an hour afterwards, Hugh Brown drove up and came into the house.. Mrs. Odill left the parlor very soon after Jno. S. Brown left and did not return any more, and I saw nothing more of her after Jno. S. Brown left.

In about an hour after brother John left, Hugh came: he came into <sup>and he sat down</sup> the parlor where Miss Alberta and I were, he sat down <sup>a word</sup> and I said to him: Hugh, Miss Berta says she thinks it is best to drop this matter between you and her: Hugh said: "Miss Berta, is that so?" She said, "Yes, I think it is best". Hugh waited a few seconds and then said: "Well, that settles it". We got up and started to leave, and when we got out into the hall, Miss Alberta sat down in a chair just in the door across the hall from the parlor, and Hugh

said to her: Miss Berta, here is some money. I want you to take it and buy a ring with it when you go to Nashville tomorrow, or buy something else to keep and remember me with": she said I don't think I will go to Nashville tomorrow, but my brother said he thought she ought to do so as her brother would expect her. She said she did not think it would be right for her to accept the money and buy the ring or any thing else with. Hugh then threw a bill into her lap and said you must take this to pay your expenses with, and Hugh and I then left. Mrs Odill was not present at any time after Jno. Brown left, and at no time was any thing said about a private interview. I heard every word that passed between Hugh and Miss Odill: nothing whatever was said at any time about Mrs. Laura Brown's health, either before Hugh came or afterwards: her name was never mentioned: nor was any thing said about postponing the marriage until after the death of Mrs. Laura Brown:

X (I never heard of such a thing until after this suit was brought.)

I never, at any time, interposed any sort of objection to my brother's marriage: in fact, I never said any thing to him about it or he to me: the only thing that he ever said to me upon the subject was his request that I take the bible and submit to Miss Berta the passages which he had marked and turned down. Before that I had heard that they were engaged to be married and were to marry very soon, but he had said nothing to me about it nor had I said any thing to him about it.

*in the fact he had never said to me at any time until I had heard that he had married Miss Odill & that he was in the parlor*

*to come from us & say so*

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The next witness introduced by defendant was Rev. C.E. Sullivan who deposed as follows-- He knew the plaintiff and the defendant they were both member of the Presbyterian Church at Spring Hill in January 1894, at which time he was pator of that church, Mr. Brown the defendant was an official member of the church at that time, the plaintiff was a member of the Sunday School, and in Mr. Browns class. I knew of the engagement between the plaintiff and defendant, I first learned this from the father of plaintiff, who came to my study, and talked about the matter.

Witness was here asked the question if the plaintiffs father did not in one or more of the interviews in his study <sup>in Spring Hill</sup> state to him ~~that he~~ <sup>shortly after he learned of the engagement & between the parties</sup> (Sullivan) had interferred and broken up the marriage between W. Hugh Brown and his daughter (plaintiffs counsel objected to this question and the answer thereto as not having occurred in the presence of either of the parties, as being heresay, that it was an immaterial question, and the defendant was bound by the answer which Mr. Odill had given to the question, the Court sustained the exception and the jury was asked to retire, and the witness answered that Mr. Odill came to his study in Spring Hill repeatedly, on the week following the time that he learned of the marriage engagement, and came about twice a day for nearly two weeks, and in several of these interviews, told me that I had interferred ~~and~~ with and broken off the marriage engagement between his daughter and the defendant, The Court held the question and the answer thereto incompetent and would not permit the testimony to go to the jury, to which action of the Court defendants counsel excepted

Witness was then asked if he remembered the Sunday when Mrs. Pointer and John S. Brown were said to have gone to Mr. Odills and the witness did remember that Sunday and he himself made a pastoral call at Mr. Odills a day or two thereafter-- Witness was then asked if on that occasion Mrs. Odill the mother of the plaintiff had not told him that the marriage engagement between her daughter and Mr. Brown had been broken off and that he (Mr. Sullivan) was the cause of it.

~~X~~ ~~Plaintiff~~ the witness answered that she had so stated, witness was also asked if plaintiffs mother had said to him on that occasion or at any other time, that the marriage engagement had been postponed until the death of Mrs. Laura Brown, and he said she had not made such a statement to him. Plaintiffs counsel excepted to all of the foregoing as being immaterial and incompetent and heresay, as not being made in the presence of the parties, and the Court sustained the exceptions and would not permit the testimony to go to the jury, to which action of the Court defendants counsel excepted. Witness was then asked if he had had any conversation with the defendant upon the subject of his marriage with the plaintiff and he stated after the plaintiffs father had notified him that his daughter and Mr. Brown were going to marry, he the witness told her father if he the father had any influence with the daughter, he ought not to permit her to marry a man who had a divorced wife living, and he further more told her father that he would not perform the marriage ceremony and that he would depose Mr. Brown from his office in the Church if he did marry, witness said he had a ~~X~~ similar conversation with Mr. Brown perhaps that same day and Mr. Brown expressed his determination to marry the plaintiff by how said he had both the legal and the moral and religious right to do so, and he said he would continue to worship at the Presbyterian church as he had always done, that I might take such action as I saw proper. plaintiffs counsel excepted to the admissibility of this testimony upon the ground that it was immaterial and was incompetent and was heresay and not made in the presence of either of the parties, and the court sustained the exception and would not permit the testimony to go to the jury, to which action of the court defendant counsel excepted

~~X~~ Witness was here asked if he had a conversation at the Presbyterian church in Spring Hill with James Odill and the defendant W. Hugh Brown on the Sunday following Mrs. Pointer and John Brown and Hugh Brown had been out to Mr. Odills, it being the Sunday follow-

ing day on which Miss Alberta had gone down to Nashville? ~~xxxxxx~~

Ans. James Odill after service ~~xxxxxx~~ on that day called Mr. Hugh Brown

X and myself to one side and stated that Mr. Brown had won the affections of his sister and I had made myself busy in the matter and had broken off the engagement by my interference and that he Odill intended to hold Mr. Brown and myself both personally responsible, Mr. Brown asked Mr. Odill if that was all he had to say in the matter, and Mr. Odill replied that it was, Mr. Brown said good morning and left. X Plaintiffs counsel ~~of~~ excepted to this testimony being heard by the jury, for the reason that it was hearsay, was incompetent and immaterial, the conversation was in the presence nor was she connected with the conversation in any way, the Court sustained the exception and would not permit the testimony to go to the jury, to which action of the jury defendants counsel excepted.

While the jury were out, A.J. Campbell was called as a witness for defendant and was asked if some time in March 1894<sup>at</sup> the town of Spring Hill near the Presbyterian Church Mr. Odill the plaintiffs father had stated to him that the reason why he Mr. Odill did not attend the Presbyterian Church as he had formerly done was because the pastor Mr. Sullivan had interfered and broken off the marriage engagement between his daughter Alberta and Mr. Brown? the witness stated that Mr. Odill plaintiffs father had made that statement at the time and place mentioned, plaintiffs counsel excepted the proof as being incompetent, immaterial and as hearsay, and that defendant was bound by the answer Mr. Odill had given to this question and could not contradict it, the Court sustained the exception and would not permit the testimony to go to the jury, to which action of the Court defendants counsel excepted. The jury was then recalled and the witness if he knew what the general reputation of Miss Alberta Odill was in the community, in 1894 and since he said he did know, and that that reputation was good, and that she had not suffered in any way in the esteem of the people, by the fact that she had been engaged to marry Mr. Brown and that it was not consummated, that if it had affected her at all it has raised her in the estimation of the community.

X The next witness for defendant was H.P. Wade, who stated he knew both the plaintiff and the defendant that they stood as high socially morally and religiously as any body in the community and the fact of the engagement between plaintiff and defendant and the fact that it had not been consummated had not affected the reputation of plaintiff.

*He states that Mrs. C. H. Christian character was such that nothing of that kind would affect it. He said that Mr. Brown even more than Miss Alberta then to consider a man.*

John S. Brown was next called by defendant, he stated that he was

the brother of defendant that he knew the plaintiff, also stated that he remembered about the first Sunday in January 1894 he met his sister Mrs. Pointer who had driven into the village of Spring Hill, and she requested him to drive with her out to the home of the plaintiff that he did so, and that they got there early in the morning and Mr. Odill plaintiff's father met them at the door and Mrs. Pointer requested to see Mrs. Odill and Miss Alberta the plaintiff, who came into the parlor, Mrs. Pointer had a bible with her when we drove over to Mr. Odill's, she stated to Miss Alberta Odill that her brother Hugh Brown had requested her to submit to her certain passages which he had marked and turned down in the bible, *and when she it upon no record to them* pertaining to the marriage of a man who had a living divorced wife and Mrs. Odill that stated, I told you yesterday Alberta that you had better drop the matter, to which Miss Alberta replied, yes I know you did and if you think best we will drop it, but said she wished to see Mr. Hugh Brown first and requested me to drive over to Spring Hill for him, to which I assented and went over to the village of Spring Hill and sent my brother back in the vehicle. He also stated that the name of Mrs. Laura Brown the divorced wife of W. Hugh Brown was not mentioned, nor was her health discussed or mentioned.



Cross Examination. Witness stated that Mrs. Pointer read the passages of scripture aloud in the presence of plaintiff and her mother and myself in the parlor of plaintiff's mother parlor--He also stated that he did not return with his brother when he went out to Mrs. Odills.

M.C. Campbell was next called by defendant and testifies as follows  
 That he was well acquainted with the reputation of Miss Alberta Odill, that he knew it in 1894 and has known it since, and that her reputation had not suffered in any way whatever, by the engagement to marry Mr. Brown and did not do so, he thought if it had any effect it was that the failure to marry had increased the esteem of plaintiff in the community. *That her character was so pure & it nothing of the kind could reflect her.*

W. Hugh

W. Hugh Brown the defendant was next called by the defense and testified as follows--I am 53 years old, live near Spring Hill and have lived in or near Spring Hill all my life, and that he had known the plaintiff all her life. That I was divorced from my former wife Mrs. Laura Brown in April 1893, on the last Sunday in December 1893 myself and my brother and Pink Caperton were invited to dine at Mr. F. K. Odills (the father of plaintiff) we did dine there, and while there I told plaintiff I was coming back on Tuesday to visit her and I did go back on the following Tuesday which was January 2 1894 I reached Mr. Odills house between nine and ten o'clock in the morning, and Miss Berta Odill and I remained in the parlor together until dinner time, I took dinner at her fathers and remained there until about four o'clock in the evening, while there I asked Miss Berta to marry me and she consented and I also asked the consent of both her father and mother that day, and they did consent, until that day I had never called on Miss Berta in my life nor had I ever courted her or said any thing to her on the subject, of matrimony, we agreed on that day that we would marry in about ten days or two weeks in Nashville, at the home of her brother James Odill that she would go to Nashville on the following Monday, and while there would make her arrangements to get married, and I was to visit her while she was there. We agreed to keep our marriage engagement secret but I did not request her specially not to tell Mrs. Pointer or John Brown, we simply agreed to keep the matter secret.

About Thursday I received a message from our pastor Mr. Sullivan through the plaintiffs father that he Mr. Sullivan wished to see me. Defendants counsel offered to prove by defendant the conversation which Mr. Sullivan had with him upon the subject of his moral right to get married again, and objection of plaintiffs counsel the testimony was excluded, the testimony being substantially as given by Mr. Sullivan heretofore, but the jury were not permitted to hear the testimony, to which action of the Court defendants counsel excepted.

X I received a message on Friday preceding the day on which we were engaged to be married, from plaintiff through her father, that she plaintiff wanted to see me on Saturday, when I left on Tuesday evening, it was understood and agreed that I was to return Sunday to see her again but as Mr. Odill told me his daughter wanted to see me on Saturday I went out on Saturday morning, and staid there until late in the evening, taking dinner there, during that visit Miss Berta told me that our pastor Mr. Sullivan said that it would be wrong for us to marry that people would look down on us, I said I didnt care what Mr. Sullivan said or what people thought about it, I expect to marry you, and your father had no business to go to Mr. Sullivan about it, she replied she had sent her father to Mr. Sullivan. We discussed the matter of our marriage and I told if Mr. Sullivan would not marry us some body else could, and I told her that I had a perfect right to marry and there was no harm in it and we agreed she should go to Nashville as contemplated on the following Monday, and make her arrangements to marry as we had agreed to do, after I had left her house that evening I reflected over the matter I was so much older than she, that it might be a cause of future regret to us, if I urged her to marry hastily and without due reflection, and I went home got my bible, hunted up the passages pertaining to the subject, marked them and turned down the leaves, and then went to my sister Mrs. Pointers and found that she had retired suffering with a severe head ache, I went to her room and requested her to drive over and see the plaintiff the next day and submit the passages of scripture to her for her own consideration I then retired and my sister left the next morning before I got up it being Sunday morning and I did not rise early, after I had gotten my breakfast and gone into Spring Hill between nine and ten oclock, my brother John Brown came in our sisters vehicle for me and said that Miss Berta Odill wanted to see me at her fathers, I drove out there, as I was driving out I met Mr. Odill and several members of his family going to church, I did not stop or have any

conversation with him, I drove on to the house and went into the parlor, where my sister Mrs. Pointer and Miss Berta Odill were there. As there was no one else present, I took a seat, and My sister Mrs. Pointer said I have submitted those passages of scripture to Miss Berta and she has decided to drop the matter, I turned to Miss Berta and asked her if that was a fact and she said it was, I then said well that settles it, and told my sister that I was ready to go.

we got up and went out into the hall Miss Berta also came out in to the hall and sat down in a chair <sup>just inside the door of the room</sup> which was ~~sitting immediately in the door opening into the room~~ opposite the parlor, while my sister and I stood ~~within~~ in the hall within a few feet from where Miss Berta was sitting, I offered her to accept ten dollars with which to buy a ring or some other keep sake to remember me by, she said she did not think it would be right for her to take it, I then said I want to pay your expenses to Nashville, and she said she didnt think she would go to Nashville   
X but I suggested her brother would be expecting her and if I were she I believed I would go, and I insisted on her taking five dollars to pay her expenses, and took out a five dollar bill and laid it in her lap, and my sister and I left, I did not see Mrs. Odill that day at all, she was not present at any part of the interview, nothing whatever was said by me or by Mrs. Pointer with reference to Mrs. Laura Brown my former wife condition of her health was not mentioed at all nothing was said either by myself or my sister in regard to her not living long, and I did not agree with Miss Odill to postpone our marriage engagement until after the death of Mrs. Laura Brown nothing whatever was said upon such a subject, nor would I have entered into such a contract, and positively did not do so. I had no private interview with Miss Alberta Odill on that day my sister heard every thing that passed between us I did not go into the room across from the parlor at all, and we were not in there alone that day. I did receive a letter from the plaintiff while she was in Nashville the following week in which she stated to me that she felt very much dissatisfied and unhappy over the turn

which the matters had taken in as much as they had gone as far as they had, in this letter she ~~had~~ said she had bought a ring with the five dollars I had given her, In this letter ~~she said~~ nothing whatever was said about our future marriage. I do not remember whether she requested me in this letter to burn it, or destroy it or return it to her, nor do I remember whether I wore it out by carrying it around with me or whether I destroyed it or whether I returned it to her, I know I had not got the letter, but do not remember what I did with it, I know I answered it promptly, and in a very few words, my reply, urged her not to blame herself, for what had happened, and I stated to her I alone was to blame for it, if any blame attached to any one, ~~this~~ this was the substance of my reply. There was nothing in my reply referring directly or indirectly to our future marriage nor was any thing said about the condition of Mrs. Laura Brown's health nor was her name mentioned directly or indirectly whatever, The letter that I wrote to her contained no statement about waiting God's good time and we would be happy.

I never mentioned the subject of marriage again to Miss Odill in my life after the Sunday I was out there with my sister, nor was the matter ever referred to between us directly or indirectly in any way, I met her often at church, and some times upon the street of the village and upon the turnpike, but the subject of our marriage was never referred to, I do not remember the interview at the station referred to Miss Alberta and Miss Rose Odill, which they say I had with them in their carriage, I do not recall the interview at all, and if I had such a one I have forgotten it.

Witness was then asked if he had stated to the plaintiff that he was worth ten thousand dollars but had allowed it to be circulated in the community that he was worth twenty thousand dollars in order that his divorced wife's people should not think he was a pauper? I did tell her I thought I was worth ten thousand dollars but I did not make the remainder of the statement nor any thing like it, when I made this statement to her I thought I was worth

as much as ten thousand dollars, but it turned out to be a fictitious value that I had attached to some race stock, I valued one mare that I then had at \$5000.00 but she would not sell now for \$150.00 as that character of stock has depreciated now so much in value and the mare did not develop as I thought she gave promise of doing, I was offered \$4000.00 for one of them but that one got

burned up. *I was not at the time I sold her I was worth \$1000.00 worth after my debts were paid more than \$800 or \$1000.*

Witness was asked if he remembered of having a conversation with F.K. Odill over his sons store in Spring Hill about two weeks after Miss Berta Odills return from Nashville, the witness answered that he did have a conversation with Mr. Odill over the store about the time referred to .

Was any thing said in that conversation upon the subject of your marriage to Miss Alberta Odill

Ans. Nothing whatever, the subject of our marriage was not referred to, ~~in that conversation~~

In that conversation or at any other time or place did Mr. Odill say to you that he had letters from two Presbyterian preachers at Nashville stating they did not think it was a sin for a man having a living wife from whom he was divorced, to marry again, and did you reply that you and his daughter had settled that, and that you had agreed to postpone your marriage until after the death of your divorced wife?

Ans. No such conversation as that took place, as before stated the subject of my marriage with his daughter was not mentioned, I did not state that his daughter and I had agreed to postpone our marriage until after the death of my former wife, I made no such statement whatever.

The witness was here asked if had a conversation with James O Odill at the Presbyterian Church in Spring Hill, on the Sunday following the day that Miss Alberta Odill went to Nashville? Just one week after my sister Mrs. Pointer John S. Brown and myself had been out to Mr. Odills and the marriage between Miss Alberta

3 2

and myself had been broken off, James Odill at whose house Miss Alberta was visiting in Nashville came out from Nashville and came to the Presbyterian church after service, and called Mr. Sullivan and myself aside (Plaintiffs counsel here excepted to any conversation between these parties being hearsay immaterial and incompetent, and thereupon the jury retired and the witness stated that James Odill on that occasion said Mr. Brown has won the affections of my sister and you Mr. Sullivan have interfered in the matter and broken off their marriage, and I intend to hold you both personally responsible I then asked Mr. Odill if that was all he had to say, and he replied that it was and I then left him and Mr. Sullivan standing. The Court sustained the objection of plaintiffs counsel to the foregoing and the same was not permitted to go to the jury, to which action of the Court defendants counsel excepted)

Cross examination ~~At~~ At the time of my engagement to marry Miss Alberta Odill, I owned a farm of ~~120~~ <sup>140</sup> acres near Spring Hill cost me \$4000.00 and worth about ~~that~~ four store houses and lots in Spring Hill worth about \$2100.00 that being what I paid for them but I owed at that time some five or six thousand dollars, and this real estate, and my race stock was about all the property I owned, I valued my stock at that time at \$10000.00

Mrs. Laura Brown my former wife is seven years younger than myself and at the time I obtained the divorce from her, was in better health than she had been since we were married, she had been in delicate health for several years preceding this time, but was better at that time, she never at any time had the consumption or dropsy

She spent the winter of ~~1891-2~~ 1891-2 in Florida, but had not been there since until last winter, she is still living and my information is her health is good,

Up till about a year preceding the divorce my wifes health had been a source of considerable cost to me.

X Plaintiff introduced the following proof in rebuttal.

Mrs Alberta Odell stated that it was not true that her mother left the parlor after the departure of John Brown. That on the contrary Mrs Odell was in the parlor all the time she and Mrs Ponter were in there. That it was not true that Mrs Ponter read the Bible passages. That no one read them. That it was not said to her by her mother.

Berta I told you yesterday that you had better drop this matter and that it would be best for both of you to drop it. That nothing of the kind occurred. nor did plaintiff say yes I know you did and I think it is best to drop it and want to do so. "Nothing of this sort" was said. Plaintiff had been warned by deft that when Mrs Ponter came as he expected she would, she should keep from talking and she did so and asked that Mr. Brown be sent for. Whereafter he and she sat silent for awhile and then went into the room across the hall where the conversation as stated in her examination in chief occurred. Mrs Odell was arrested but plff & deft in leaving the parlor she closed the door lead- ing into the hall and when the door to the room they entered. It is not true that Mrs Ponter said



while they were<sup>3<sup>rd</sup></sup> in the Parlor, after  
left had come - Hugh. Miss Berta says  
she thinks it is best to drop this matter  
between you and her" nor did he  
say "Miss Berta is that so?" nor  
did she say "yes I think it is best"  
+ he replied "I will not settle it"  
Nothing of this kind ~~appe~~ occurred -  
Plaintiff states that she has no  
conscientious scruples at all  
about marrying while Mr Brown's  
divorced wife was alive and  
was ready any time to marry  
him but that he was the one  
who requested the postponement  
of the marriage on this account

Mrs F K Odell<sup>35</sup> was introduced  
in rebuttal and stated.

That she was in the parlor the whole  
time Mrs Pointer was there  
and that no one read the  
marred passages - That she did  
not say to her daughter "Berta  
I told you yesterday that you had  
better drop this matter and that  
it would be best for you both  
to drop it" or words to that effect.  
That plaintiff did not say "yes I  
know you did and I think it is  
best to drop it and want to do so"  
or any thing of the kind.

Nor did Mrs Pointer say any thing  
about a lady when she discards  
a gentleman. Telling him so in  
person. After W H Brown came  
the cat for awhile looking into the  
fire and no such conversation  
occurred as detailed by Mrs  
Pointer about Miss Berta saying  
she thought it best to drop it and  
left saying that settles it.

Nothing of the kind was said.  
Plaintiff & left the parlor and  
witness Mrs Pointer remained in  
the parlor together -

J. K. C. introduced I said  
 I was & my well known water  
 the morning Sunday that Mrs.  
 Pointer & Joe Brown came there  
 I saw them after the house  
 I did not go into the Parlor  
~~where they were but as I went~~  
 into the hall I heard Mrs.  
 Pointer saying that it would  
 be adultery for them to marry  
 & that Mrs Brown the divorced  
 wife was in bad health  
 had consumption & dyspepsia  
 and couldn't live long.  
 I went on to Church I  
 met Hugh Brown on his  
 way out to my house  
 This was all the evidence  
 introduced in this case -  
 The Court charged the jury as follows - (here  
 insert the charge)

Thereupon the Defendants counsel requested the Court  
 to charge the jury as follows (here insert special  
 requests) which requests the Court declined to give  
 to the jury to which action of the Court defendants  
 counsel excepted.

The defendants tendered this his bill of exception to the  
 judgment of the Court & so ruling his motion for a new trial,  
 which is signed sealed & attested to by me made a part of the record -  
 Sam Hoeding, Judge

20-10 Nov 1898

Sarah Alberta Cair

no

W-Hay to Brown

Bill of Ex Ceptions

Filed Dec 6/898

WGE Country car

Sarah Alberta Odill, )

VS

Wm. Hugh Brown; )

In the Circuit Court of Maury County, Tenn.

PLLAS.

The defendant, for plea to the first count of plaintiff's declaration, says: \_\_\_\_\_

1st: It is not true, as alleged in said count, that defendant entered into a contract with plaintiff to marry her and that the same continued in force until the 19th day of December, 1897.

2nd: For further plea to said first count of plaintiff's declaration, <sup>that</sup> defendant says/prior to the bringing of this suit, the marriage contract which had been entered into by and between plaintiff and defendant was cancelled, broken off and annulled by the mutual consent and agreement of both plaintiff and defendant, and was not in force and effect at the time of bringing this suit.

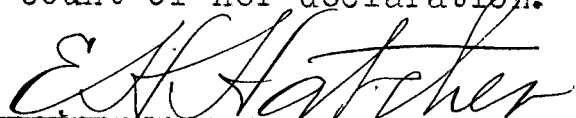
3rd: For further plea to plaintiff's first count of her declaration, defendant says that plaintiff's right of action accrued more than one entire year from the bringing of her suit, and the same is now barred by the statute of limitations of one year, in such cases made and provided.

4th: For plea to the second count of plaintiff's declaration, the defendant says it is not true, as alleged in said count, that defendant induced plaintiff to postpone their marriage and to continue their agreement to marry, by the representations that defendant's former wife, from whom he was then divorced, was in very bad health and could not live long; nor did defendant, ever at any time agree ~~that~~ with plaintiff that he would defer his marriage with plaintiff until the death of his former wife, and after her death, that he would then marry plaintiff.

5th: For further plea to the second count of plaintiff's declaration, defendant says that ~~that~~ at the time of the bringing of this suit by plaintiff, the contract or agreement by and between plaintiff and defendant to marry each other, had long since been cancelled, ~~annulled~~ and broken off by the mutual consent of both plaintiff and defendant; and such contract or agreement to marry was not in force and effect at the time plaintiff brought her suit herein.

6th: For further plea to said second count of plaintiff's declaration, defendant says that at the time plaintiff brought this, her suit, her cause of action had accrued more than one entire year and that the same was therefore barred by ~~the~~ statute of limitations in such cases made and provided.

7th: For further plea to the second count of plaintiff's declaration, ~~defendant says the contract or agreement to marry~~ therein sued on was void under the statute of frauds and ~~perjuries~~, as being a contract not to be performed within one year from the making thereof. Defendant therefore relies upon such statute of frauds and perjuries as a defense to plaintiff's said second count of her declaration.

  
Attorney for Wm. Fugh Brown.

The fine...  
for...  
and...  
...  
...  
...

Sarah A. Horta Oline

vs { Pleas }

Wm. Hugh Connor

- Free Knowledge  
W. F. Leachy Cey

E. H. HATCHER, Attorney.

VS.

In the Circuit Court of Maury County, Tennessee May term 1898

Plaintiff sues the defendant for ten thousand dollars, as damages for the breach of a contract, entered into by and between the plaintiff and defendant, on the 2d day of January, 1894, by which they mutually agreed to marry each other, and said contract continued in force until on or about the 19th of December, 1897, The plaintiff was then, and has ever since continued unmarried, and ready and willing to marry the defendant, until the 19th day of December, 1897, when the defendant married a certain Dora Burch. Therefore the plaintiff sues for ten thousand dollars as damages and demands a jury to try this cause.

W. S. Fleming  
Sagunto & Co. agents  
attys

Plaintiff sues the defendant for ten thousand dollars as damages for the breach of a contract entered into by him and the plaintiff, on the 2d day of January, 1894, by which they mutually agreed to marry each other on the 18th day of January, 1894. Defendant had been previously married but at that time was legally divorced from his former wife, who was still living. On or about the 7th day of January, 1894, defendant represented to the plaintiff, that it was contrary to his religious scruples to marry during the life time of his former wife and that said divorced wife was in very bad health and could not live long, and induced the plaintiff, by these representations, to agree to a postponement of the marriage, and a continuation of the agreement to marry, until said divorced wife should die, and then the plaintiff and defendant were to marry. The plaintiff was then and has ever since remained unmarried and ready and willing to marry defendant, until the 19th day of December, 1897, when the defendant married a certain Dora Bunch. The former divorced wife of the defendant



is still living, and the defendant avers that he will never marry the plaintiff. Therefore the plaintiff sues the defendant for ten thousand dollars as damages and demands a jury to try this cause.

*W. S. Fleming*  
*Figueroa & Padgett*  
*attys.*

Alberta Office

as

Declaration

Wm. Hugh & Son

Dec 21/98  
W. F. Leach

6

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STATE OF TENNESSEE.

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To the Sheriff of Maury County, Greeting:

You are hereby commanded to summon *J. H. Odell, Rosa Odell*  
*S. E. Odell, Rosa Odell, Sallie Odell, J. H. Hardin*

personally to appear before the Judge of our Circuit Court, to be holden for the County  
of Maury, at the Court-house in the town of Columbia, on *Thursday Nov 17<sup>th</sup> 1898*

next, then and there to testify, and the truth to speak, in behalf of the  
*Plaintiff* in a certain matter of controversy, in our said court  
pending wherein *Sarah Alberta Odell*  
is plaintiff, and *W. Hugh Brown*  
is defendant, and this *they* shall in no wise omit under the penalty prescribed by law.

Witness W. F. EMBRY, Clerk of our said court at office the second Monday in

*Nov* 189*8*, and the 11*73* year of American Independence.

*W F Embury* Clerk.

D. C.

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No

10 fN

Circuit Court, Maury County,

Sarah Alberta Odell

vs. } Spa.

W. Hugh Brown

Issued

17

day of

Nov

1898

W. F. Country Aid

Walter Davis Print.

Executed on all  
the within parties  
this Nov 17. 1898  
R. W. Hight. Off

# STATE OF TENNESSEE,--MAURY COUNTY.

To the Sheriff of Maury County, Greeting:

You are hereby commanded to summon

*W. Hugh Brown*

if to be found in your county, to appear before the Judge of the Circuit Court, at a Circuit Court to be holden for the County of Maury, at the Court-house thereof, in the town of Columbia, on the second Monday of *May* next, and then and there to answer

*Sarah Alberta Odile Tice in an action of damages in the sum of Ten Thousand dollars*

Herein fail not and have your then and there this writ.

Witness *W. F. EMBRY*, Clerk of said Court at office in Columbia, Tenn., this second Monday of *Feb.* 189*8*

*W. F. Embury* Clerk.

*Ingers & Padgett*  
*W. S. Fleming Attys for ptiff*

1085

No. ~~4545~~ 41

*Suzanne Alberta Odile*

vs. } Summons.

*W. Hugh Brown*

Issued 18 day of July 1898

*W. A. Eruby* Clerk.

Walter Davis Print.

Came to hand some  
day issued & executed  
by reaching the within  
process to W. Hugh  
Brown this 19 day  
of Feb 1898

*J. A. Grigory*  
S. D. Off.

I here by certify & appoint J. A.  
Grigory, Sheriff of the County of  
Essex, to execute the within summons & return as  
the law directs this Feb 18-1898  
Law Office  
Shelby

1

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STATE OF TENNESSEE.

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To the Sheriff of Maury County, Greeting:

You are hereby commanded to summon

*R. H. McLeary 1st*

personally to appear before the Judge of our Circuit Court, to be holden for the County of Maury, at the Court-house in the town of Columbia, on

*Instant*

next, then and there to testify, and the truth to speak, in behalf of the

*Plaintiff* in a certain matter of controversy, in our said court pending wherein

*S. A. Cull* is plaintiff, and

*W. B. Brown* is defendant, and this shall in no wise omit under the penalty prescribed by law.

Witness W. F. EMBRY, Clerk of our said court at office the second Monday in

*Nov.* 189*8*, and the *11*<sup>*th*</sup> year of American Independence.

*W. F. Embury* Clerk.

*W. B. Embury* D. C.

---

No.

10 Jd  
Circuit Court, Maury County,

Sarah A. Odell

vs. Spa.

W. Hugh Brown

Issued

17 day of

Nov 1898

Henry C. C.

Walter Davis Print.

Executed on  
within this  
Nov. 17 1898

R. W. Light. Shff



# STATE OF TENNESSEE.

To the Sheriff of Maury County, Greeting:

You are hereby commanded to summon

*Mrs. Jennie Prentiss*  
*Albert Campbell, J. S. Branning*

personally to appear before the Judge of our Circuit Court, to be holden for the County of Maury, at the Court-house in the town of Columbia, on *Thursday Nov 17<sup>th</sup>*

next, then and there to testify, and the truth to speak, in behalf of the

*Defendant* in a certain matter of controversy, in our said court pending wherein *Sarah Alberta O'Neil*

is plaintiff, and *W. Hugh Brown* is defendant, and this shall in no wise omit under the penalty prescribed by law.

Witness *W. F. EMBRY*, Clerk of our said court at office the <sup>3</sup>~~second~~ Monday in

*May*, 189 *8*, and the *23* year of American Independence.

*W F Embury* Clerk.

D. C.

22 Dist

No

10 Jan

Circuit Court, Maury County,

Sarah Alberta Odell

vs. Spa.

W. Hugh Brown

Issued 10 day of

Nov 1898

W. F. Emby C. K.

Walter Davis Print.

Exempted on all

The within

particular

Nov 15/1898

A. E. Church D. S.

STATE OF TENNESSEE.

To the Sheriff of Maury County, Greeting:

You are hereby commanded to summon Dr W C Martin ✓  
~~W C Martin~~ ✓ J M Davis,  
J H Wade ✓ M E Campbell  
H P Wade, W C Greenlaw ✓  
 personally to appear before the Judge of our Circuit Court, to be holden for the County  
 of Maury, at the Court-house in the town of Columbia, on Thursday Nov 17/98  
 next, then and there to testify, and the truth to speak, in behalf of the  
Defendant in a certain matter of controversy, in our said court  
 pending wherein Samuel Albert Allwell  
 is plaintiff, and W Hugh Brown  
 is defendant, and this they shall in no wise omit under the penalty prescribed by law.

Witness W. F. EMBRY, Clerk of our said court at office the second Monday in  
Nov. 1898, and the 17<sup>th</sup> year of American Independence.

W F Embury Clerk.

D. C.

No.

10 J. S.

Circuit Court, Maury County,

Samuel Albert, Adm'r

vs. J. Spa.

W. H. B. Brown

Issued 14 day of

Nov 1898

W. G. C. C. C. C.

Walter Davis Print.

Executed on all  
The with in  
parties by  
reading Spas  
to all within

A. E. Church, D. S.

2

STATE OF TENNESSEE.

To the Sheriff of Maury County, Greeting:

You are hereby commanded to summon *Dr J B Warden*  
*J M Crapton*

personally to appear before the Judge of our Circuit Court, to be holden for the County  
of Maury, at the Court-house in the town of Columbia, on *Wednesday Nov 23*  
next, then and there to testify, and the truth to speak, in behalf of the *18*  
*Defendant* in a certain matter of controversy, in our said court  
pending wherein *Sarah Alberta Odell*  
is plaintiff, and *W Hugh Brown*  
is defendant, and this *they* shall in no wise omit under the penalty prescribed by law.

Witness W. F. EMBRY, Clerk of our said court at office the second Monday in

*Nov* 1898, and the 123 year of American Independence.

*W F Embury* Clerk.

D. C.

No

10 J.D.

Circuit Court, Maury County,

Sarah M Odell

vs. Spa.

Wm Hugh Brown

Issued

18

day of

Nov 1898  
W. J. Cunningham

Walter Davis Print.

came to hand  
~~from~~ Nov 23<sup>rd</sup>/98

and executed on  
all the within named  
parties this Nov 23<sup>rd</sup>/98

John Latta

J. S. H. H.

STATE OF TENNESSEE.

To the Sheriff of Maury County Greeting:

You are hereby commanded to summon

personally to appear before the Judge of our Circuit Court, to be holden for the County of Maury, at the Court-house in the town of Columbia, on Wednesday Nov 23

next, then and there to testify, and the truth to speak, in behalf of the Defendant in a certain matter of controversy, in our said court pending wherein Sarah Alberta Odell is plaintiff, and W Hugh Brown is defendant, and this He shall in no wise omit under the penalty prescribed by law.

Witness W. F. EMBRY, Clerk of our said court at office the second Monday in

Nov 1898, and the 23 year of American Independence.

W F Embry Clerk.

D. C.

No.

10 JN

Circuit Court, Maury County,

Mrs Sarah Albert

Odell

vs. Spa.

Wm Hugh Brown

Issued

17

day of

Nov

1898

W F Emery cler

Walter Davis Print.

Executed and

full as command

This Nov 18/98

W O Miller

Sheriff



1

---

STATE OF TENNESSEE.

*Starr*  
To the Sheriff of ~~Maury~~ County, Greeting:

You are hereby commanded to summon

*C. O. Sullivan*

personally to appear before the Judge of our Circuit Court, to be holden for the County  
of Maury, at the Court-house in the town of Columbia, on *Thursday Nov 17<sup>th</sup> /98*

next, then and there to testify, and the truth to speak, in behalf of the

*Defendant* in a certain matter of controversy, in our said court  
pending wherein *Sarah Alberta Odill*

is plaintiff, and *W Hugh Brown*

is defendant, and this shall in no wise omit under the penalty prescribed by law.

Witness W. F. EMBRY, Clerk of our said court at office the ~~second~~ <sup>3</sup> Monday in

*May* 189 <sup>8</sup>, and the ~~17~~ <sup>23</sup> year of American Independence.

*W F Embury* Clerk.  
D. C.

10 gk  
Circuit Court, Maury County,

Sarah Alberta Odell

vs. Spa.

W. Hugh Brown

Issued 10 day of

Nov 1898

W. F. Eubank Clerk

Walter Davis Print.

Not executed  
on account of the  
Witness not being  
at home

This Nov 18/98  
W. D. Miller  
Sheriff

Sarah Alberta Odier

v

W. Hugh Brown

Plaintiff joins issue on the  
first, second, third, fourth  
fifth and sixth pleas of  
defendant.

W. S. Flewelling  
Attorney & Counselor  
at Law for Plaintiff

Frank Albertin Baker

as 3 Reynolds

W. H. Reynolds

Dec 9 was 23<sup>rd</sup>  
1876 Sunday Dec

APPEAL BOND.

Walter Davis Print.

WE,

*W Hugh Brown Ma J B Greenlaw  
ma E A Hatcher*

acknowledge ourselves indebted to *Sarah Alberta Odell*

in the sum of *Two Hundred and fifty* Dollars,  
to be void on condition that the said *W Hugh Brown*

shall successfully prosecute an appeal in the nature of a writ of error to the next term of the Supreme Court of  
Tennessee, at *Nashville Tennessee*, by him prayed  
from a judgment rendered against him in favor of the said *Sarah Alberta Odell*

in the Circuit Court of *Murray County* ~~County~~, on the  
*25<sup>th</sup>* day of *November* 189 *8*, for the sum of  
*Twenty Eight Hundred* Dollars,  
debt and damages, and also costs of suit, or in case of failure to do so, pay and satisfy said debt and damages and  
costs, and perform and satisfy the judgment of the Supreme Court in the premises.

*Approved  
W H Embury Clerk*

*W Hugh Brown  
J B Greenlaw Atty.  
E A Hatcher*

APPEAL-BOND.

*Sarah Alberta Paill*

vs.

*W. Hugh Brown*

*Filed & Dec. 6/98*  
*W. F. Country Clerk*

Sarah Elberta Adill  
vs  
W. Hugh Brown

By leave of the Court  
first had and obtained  
defendants with draws  
the plans of the 2<sup>nd</sup>  
Court of plaintiff  
declaration, & answer  
of the same and for  
~~costs of defendant~~  
say —

1<sup>st</sup> The contract as set forth  
in said 2<sup>nd</sup> Court  
is ~~void~~ <sup>is</sup> being against public  
policy. ~~and~~

2<sup>nd</sup> The contract made on  
said 2<sup>nd</sup> Court is  
void for indefinite-  
ness and uncertainty

3<sup>rd</sup> Said contract shall  
be in said 2<sup>nd</sup>  
Court is void ~~and~~

Joseph Clark

Cell

1850 { Dec 11  
of 1850

W. H. K. H. K.  
H. H. K. H. K.

Free Nov 23/98  
W. H. K. H. K.



Sarah Alberta Edell.

v.s.

W. Hugh Brown -

No cause came on to be further heard upon plaintiff's declaration and demurrer to the second count thereof and court being of opinion that said demurrer is not well taken overrules same and orders defendant to file pleas there to thereupon the defendant refiles his ~~pleas to said second count~~ and thereupon the plaintiff filed her motion to strike out the seventh plea which was sustained by the Court and said plea is ordered stricken out, to which action of the Court ~~overruling~~ sustaining the motion to strike out the seventh plea defendant excepts.

~~Don't~~ ask to sell

<sup>as</sup> William Perry

order

Sarah Alberta Odessa

27

W. Hugh Brown

Comes the plaintiff  
and moves the Court to  
strike out the seventh  
plea filed by defendant  
because the same is  
insufficient, is matres-  
sive to the second  
count of plaintiffs decla-  
ration and is not an  
answer to said count.

W. J. Fleming  
Deputy District Attorney  
atty for Pff

Franklin D. Rice

Co. 3 Infantry

W. H. H. Brown

Julia Nov 23/98  
W. H. H. Brown