

Delucina Thomas } Chatham County
Against } Fall Term 1871
W. H. Womack } Breach of Promise
of Marriage —

The deft. offers affrs for continuance which is adjudged insufficient by reason of the character of the evidence facts proposed to prove by Womack and Mrs Reid, and also by reason of the indefiniteness of the statement of facts proposed to be proved by Mrs McLean — it alleging simply that the witness "would prove such lascivious acts of the Plaintiff in 1864 & 1865"

The court thinks this allegation insufficient both because the particular acts and the parties with whom committed and because not coupled with an allegation of ignorance of those facts on the part of the defd at the time of the alleged breach of marriage —

1st did the defendant promise to marry the Plaintiff as alleged —

2nd Has the Plaintiff since ~~remained~~
~~ready and willing to go~~
Has the Plaintiff since that time been
guilty of lascivious conduct with
one Evans and others

3^d Has she been guilty of improper
conduct with others

4th Has she since that time been
become pregnant by a person
other than the defendant

5th - What is the damage of the Plin-
tiff

Delania Thomas - Have known def. from child-
hood - Am 27 yrs old - Was en-
gaged to marry def. He said in summer of
1867 that he would marry me at any time
I proposed - Had a child by def. in
October 1869 - Have recd letters from
defendant which are now in my pos-
session - Know his handwriting. These
letters are in his hand. (Settee recd -
The engagement was first formed in 1867
and continued on - The marriage was
delayed to get a house finished and well
dry. In Christmas 1868, he told me to get
ready and he would marry me in
May 1869 - He said he would not be ready
before that time -

2

Went to see Jeff on Thursday in May
1869 - He said then that he could not
marry me then, that he was too poor
to marry me, he was too poor to buy his
license. He sent me a letter the next
Saturday by his brother. He came to see
me on Sunday evening next. He
would not come to house but sent
for me to come out and see him.
He said he was afraid to come in
the house lest my brothers should
kill him and he would not blame
them if they did. He then came to house
I assured him he should not
be hurt. He went wild & said
he would kill himself and again
would leave the country. I gave
me his watch to remember him
by - I kept him all the time
till he married me - I saw him again
on Thursday, and he sent me a
letter on Thursday next - I told him
that his letter of Sat. last was no
satisfaction to me. He said that
was not the letter he wanted to
send me but his Ma was by
and he could not show her such
a letter as he wanted to send

4

me but pulled one out of his pocket and said that was the one he wanted to send to me. June 5, June 8" June 9th are the dates of letters - Wornack brought the fish - the second he gave me himself, the third was sent me by Sunny Thompson - Child born Oct 1st 1869. No other man except Deft ever had connection with me - never in the world -

C. X.

I don't know Deft's age. He is older than I am don't know how much. His father was a neighbor of us. He lived 3 or 4 miles from us. Put off marriage from time to time to get ready - Saw him very frequently until he failed to come about or just before May 1869. Deft. said he knew I was in the family way before I did - This conversation was on the Sat. night before Easter in April. Think I had mentioned it to him before. He said he would do anything I said about it - I said marry and he then talked off. Conversation was at my mother's house. Don't know at what time I first found myself pregnant. Had not at that time mentioned it to anyone but Wornack. He promised to marry me in June 1869 sometime before Christ mas. That was not the time he seduced

me. He had then never taken improper liberties with me. It was after Christmas 1868. He had intercourse with me more than once - repeatedly - I don't know exactly when the last time was. I have never had any other letters from him except Valentines &c years ago. Quilt was brought in June. I wrote to him once or twice about this time - I never wrote to him before only April fool - letters &c. I don't think I ever wrote to him during the war. I think I never wrote to him but once before. That was a few foolish lines taken out of a letter book -

Mrs Kelley - An Sister of Platt - In 1867 and 1868 lived with Mother & Platt - Saw Platt there - About May - Platt told me he was sorry for what he had done and he would not blame my brothers if they killed him. Platt was present. Platt said he could not marry Platt then as his crop was then on hand. From 1867 he came to the house as a suitor of Platt. He said he was ready to marry whenever she said so. This was I think in 1867. I asked him why he did not marry and he said he was not ready -

6

My mother was a widow - Our father has been dead nearly twenty years. We are not what may be called 'poor' but just good lives family associates of 7 daughters and 4 sons -

C.P. Was a widow in 1867 and have married since again. Don't know what time of year it was that the engagement was made. Think it was in 1867. He talked with me about marrying Eff and said he was ready and willing but she was not ready - I found Eff was pregnant in May, the Sunday after she went to see Jeff she told me of her condition - I left home in January I am certain it was in May that I first found it out. I had no suspicion of any such thing before. Had never warned Eff of any impropriety with Womack - never saw anything improper in their conduct - She went to see Womack on Thursday and I found it out on Sunday next after. She said she went down to get him to marry her - Don't remember the month and year of my first marriage. Jeff went in company with Eff as a lover frequently.

(7)

R. X. Know that my mother told me that ~~Stiff~~ went on Thursday before to see Womack and that is the time I speak of as being first learned ~~Stiff's~~ pregnancy.

Mr. Harrington - Am ac - with family of the ~~Stiff~~ before. ~~Stiff~~ Self (some time during the war) said the ~~Stiff~~ had written him a letter (which he said she consulted him. The conversation was towards the close of the war. He said that he intended to have revenge on her for it - He was then flying around with her -

S. The carried on these attentions until 1869. He went to frolics with her and paid a great deal of attention to her. He attended and kept her company. She said the letter accused him of "a yellow girl" - This was in the latter part of the war. He was laughing about it at the time he told me of it - I thought he was courting her in earnest, and I thought she was a fair match for him. The family is a respectable family. I never heard anything against the family that I would call our character - Have heard that Mrs. Perry married after she was in pregnant state -

(8)

Dont know when her first child was born - Have heard that Mrs Kelley had drunk too much several times at home. Heard heard Archie Kelley say so. That was about four years ago - about the close of the war. It was for a few months -

R. S.

The Mrs Kelley I speak of is not the Mrs Kelley who was examined in this case. Archie Kelley and Mrs K's husband were bad friends - He drinks a great deal and has a common reputation for telling very large tales -

Rec'd in Bastard's ^{case} offered by ~~Pliff~~ and ~~Dec~~ - ~~Pliff~~ except -

John Lawrence - Have known family ^{of Pliff} during my life. 37 years, never heard any thing against family of ~~Pliff~~ before and especially of ~~Pliff~~'s except this matter -

C. S. - Am not akin to ~~Pliff~~ - ~~Pliff~~ rode into Fayetteville with Dr Sheppard and myself in a common top buggy - think she rode in Sheppard's lap - There were two ladies Mrs Gunter also - she rode between us - This was - I think in 1868 - She came back part of the way with us - They came a piece out of town and we left them. Come to think I dont think she rode with us -

(9)

R. J.

Have seen Pettif at frolics. Have seen
 deft. with her at them. When it was not him it
 was other man - Never knew her with men under
 the influence of liquor - There was snow on the
 ground when we came out from Fayetteville
 Won't say whether she sat in Sheppard's lap
 or in Mrs Gminter's. Mrs Gminter's
 father was along with a wagon - Think
 it was in Dec. Got into Fayetteville
 before night - Overtook the wagons and
 took the ladies in because it was more com-
 fortable

Burville

Brown - 35 years old known Pettif and
 family always. Never heard any-
 thing disrespectful of any of them - This
 trip to Fayetteville was in very bad
 weather - It commenced raining that
 evening about 8.12 - Dr Sheppard and
 the women came along in a top-buggy
 and agreed to take the girls on into Fay-
 etteville in the buggy - and did so
 Next day it snowed badly and they
 brought them out to the wagons -

St.
Ct.

Identified handwriting of letters read
 On the trip to Fayetteville Pettif rode with
 Mrs Gminter and daughter - Lawrence
 Sheppard and Miss Gminter & Pettif rode in
 the same buggy. It is nothing more now

(10)

for young ladies to go to Fayetteville together
in wagons. Miss Ginter is a relative
of Poff - Am a cousin of Poff
Poff Reals

Thursday - Deft. moves to continue withdrawal as juron and
grant mistrial for the absence of Saml F. Phil-
lips, of counsel for deft. suddenly called
away - Motion denied.

Deft's Testimony

A. H. Harrington - Know general character of Poff
good until this matter with deft.
Heard rumor of improper relations
with another man named Evans -

Winter Harrington - It was currently reported in
the neighborhood that she had before
been in family condition. - I never
saw any improper familiarity between her
and any one, though often in company with
her -

C. D. Am 27 yrs old - The rumor of pregnancy was some
time during the war. There was a great deal of
political bitterness at that time in the neigh-
borhood - It is nothing uncommon for young
men to get too much liquor and fre-
quently was so myself -

Mrs. Utley

(11)

Mrs Utley

Know Platt - Live 8 or 4 miles from her.
Know her character - very slender - She was
at my house at quitting 8 months from before
the birth of infant and got said she went when
she chose and got along as well as any one -
Left that night between 11 & 12 - Saw no
improper conduct on her part - or
of others towards her. Saw Platt and W.
W. Wornack went to ^{stealing} get something to eat
They got it and she said I might go in and
put out the light - I called to me to
wait. She went off that night alone with
W. W. Wornack -

C. D.

Heard rumors as to character during
the war (young boy)

Alfred Wicker

Platt - Saw her leave Mrs Utley's
on the night spoken of by her. She went
to Deft's with him and staid there a while -
She said she believed she would stay all
night with him. He said he had but one
bed and he said I had to sleep on that
She allowed she would sleep between us
and he asked me how I would like that
Did not know - He took his horse and took
her up behind him and went off - don't
know when he comes back -

C. D. :

Don't know any eye. In person 19 -

(12) John Womble said to be my father
Remind. by Sally Gilmore - Think
the gentleman mentioned was about
two years ago -

Wm. Seebetter - Wife dead. Live 4 miles from Puff
know her. Been frequently at par-
ties with her. Once at Great Killips
in the spring of 1865. At that time she
lay upon the bed with deft myself
and another - Wm. Drake were all under
cover - Staid there till about 2 o'clock -
don't remember whether party kept all night
or not - Never saw any familiarity at
any other time -

C. J. 21 yrs old - Have seen other respectable
women lying on beds with gentlemen
in the same circumstances -

Mrs. Cross - Know Puff - Have been in company
with her once. Saw nothing improper in
her conduct at that time -

G. W. Womack -

Rab. M. Ivon - Saw Puff at my house several
times - Never saw her lying on
the bed with any one - My family and
Puff are on visiting terms -

W. W. Womack - Deft - did not promise to

marry ~~Stiff~~ as alleged -

Never promised to marry her. Have known
her since childhood - Saw her frequently in
company - Have seen her at different times
going with men drunk and sober - Saw
her at Kelleys with ~~one~~ ^{several} men in the
bed. I was in bed with her most of the
night and both times I left
Deft Rest

Geo. W. Aunts -

Wm Drake.

Jones Thomas

Delebrate Thomas
against-

W. W. Womack -

Chatham Co
Fall Term.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013