

Carroll County Times "Carroll's Yesteryears" Articles

"I Don't: An 1895 Breach of Promise Case"

Carroll County Times article for 21 May 1995

by Jay A. Graybeal

A century ago, the Carroll County Court House was the scene of an interesting law suit involving a broken promise of marriage. While breach of promise cases where the man broke off the engagement were not uncommon in the late nineteenth century, this case appears to be unique because it was the woman who was sued. The story appeared in the May 25 issue of the Westminster American Sentinel. under the headline of "A Novel Breach of Promise Case."

Probably the first breach of promise of marriage case in the state of Maryland in which the man is the plaintiff, came up for trial in the Circuit Court for Carroll county on Wednesday afternoon. The parties are of good standing, the plaintiff being Mr. D. Calvin Warner, of Double Pipe Creek, a justice of the peace, for this county, and the defendants, Mr. Wm. H. Powell and Mrs. Emma S. Powell, his wife, of the same place. Previous to her marriage Mrs. Powell was Miss Emma S. Weybright. She was a daughter of the late John Weybright, and a half-sister of Mr. Samuel Weybright, a well-known and prominent citizen of Double Pipe Creek. She is about twenty-nine years old, and her husband about the same age. She inherited an estate from her father, valued at twelve or fifteen thousand dollars.

The plaintiff is a widower, and is now fully fifty-two years of age. He avers that the defendant, Mrs. Powell, was under contract to marry him, but broke the engagement about February, 1894, and in the following April married Mr. Powell. He sues to recover \$5,000 damages, upon this violation of contract, which is not denied by the defendants, who plead in justification that, after her engagement to the plaintiff, Miss Weybright discovered certain facts in relation to his life and conduct, previously unknown to her, which justified her refusal to consummate the marriage.

Several witnesses testified on Wednesday afternoon and Thursday morning as to admissions of an engagement of marriage, by the defendant, with the plaintiff. The plaintiff was then placed upon the stand and recounted the history of his wooing, the acceptance of his offer of marriage, and its termination by the act of the defendant. Plaintiff, who has been a justice of the peace for fourteen years, stated that he had known Miss Weybright for nine years up to 1893, when his courtship commenced. He became engaged to Miss Weybright in December of that year, and she named September following for the marriage, but notified him in February that she intended to marry Mr. Powell. Mr. Warner testified to the ownership of a farm in Frederick county valued at \$5,000. A number of defendant's letters to plaintiff were read, but were not of a sensational character.

L. F. D. Miller, of Thurmont, testified for the defendant that 20 or 30 years ago plaintiff had admitted that he was the father of an illegitimate child. Before the conclusion of his testimony this witness fainted and court adjourned until Friday morning, when evidence for the defence was continued.

The case excites great interest and the court house has been crowded since the trial began. Mrs. Powell sits beside her husband, inside the bar of the court, and holds in her arms her young baby. She is a pleasant and modest looking lady. Messrs. Weant and Henning represented the plaintiff and Mr. Thomas the defendants.

After hearing the testimony, the jury did decided in favor of the defendants. Unlucky in court, Mr. Warner appears to have been unlucky in love as well. His obituary appeared in the February 23, 1906

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issue of the American Sentinel under the heading of "DEATH'S DOINGS" Mr. Warner died "after a lingering illness of Bright's disease, following an attack of pneumonia, aged nearly 64 years. He leaves one son."

Photo caption: The Carroll County Court House was the scene of a novel breach of promise case in May 1895 in which a jilted man sued his former fiancée. Lithograph from Lake Griffing and Stevenson's An Illustrated Atlas of Carroll County, Maryland published in 1877.