

DeForsen County Circuit Court
Case File - Civil

Box

26

Folder

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September 1870, No. 7

Kyser, Mary H.

vs

Kyser, Byron

Divorce

Married 24 December 1868; improper
intimacy with Mrs. Smith; cruelty;
depositions

Mary K. Keiser, - Plaintiff } In the Circuit
Against } Court of Jefferson
Byron Keiser, - Defendant } County Missouri
September Term 1870,

The Plaintiff states that on the 24th day of December 1868, in the County of Jefferson in the State of Missouri, she was lawfully married to the Defendant; that she continued to live with Defendant as his wife, from and after the day and year last aforesaid, until about the 8th day of June 1869; - that during all that time the Plaintiff faithfully demeaned herself and discharged all her duties as the wife of the Defendant, and at all times treated him with kindness and affection, But, that the said Defendant, wholly disregarding his duties as the husband of the Plaintiff, soon after the marriage aforesaid, formed a very improper ^{attachment} for, and intimacy with, one Mrs. Smith, (who lived ~~lived~~ in the same house with Defendant) and was habitually engaged in gallanting her about town, by night ~~and by day~~, with all the assiduity of ^{that he was frequently found shut up in a room with her alone, -} an ardent lover - that Defendant repeatedly bestowed caresses and other acts of fondness on said woman, in the presence of his wife, and apparently with the intent to harass ^{insult} and annoy her, and that Defendant carried such improper con-

direct to such an extent as to bring a great deal of scandal and reproach upon his name, - That Defendant, during this time, and without any provocation on the part of Plaintiff, became sullen, sour, and morose, towards Plaintiff, and would seldom speak to her, and when he did so, it was always, in a gruff, supercilious, and contemptuous manner, - that he would even reproach her for visiting her parents (who lived in the same town,) or for suffering them to visit her. That Defendant, in fact, by such continued acts of selfishness, ^{and intimacies with said woman} - and his over-bearing, haughty, and contemptuous conduct towards Plaintiff, rendered her condition so intolerable, that she was compelled to separate from him, and to rely upon her own labor for her support and maintenance, - and which she has been obliged to do, since the 8th of June 1869.

The Plaintiff therefore charges that the Defendant, by the numerous acts of insult ^{and contempt} as above stated, has offered such indignities to Plaintiff, since the marriage aforesaid, as to render her condition intolerable. - The Plaintiff further states that she has resided with in this State one whole year next before the filing of this Petition.

The Plaintiff therefore in consideration of the premises, prays to be divorced from

the bonds of matrimony contracted as aforesaid with the Defendant; and that she be restored to her maiden name, - that of, Mary H. Wilson, - and to make such other and further orders and judgments as may be just and proper.

Abner Green

3 Attorney for the Plaintiff,

This Affiant, Mary H. Keiser, the above Plaintiff, makes oath and says that the facts stated in the above petition are true according to the best knowledge and belief of the Plaintiff, and that the Complaint is not made out of levity or by collusion, fear or restraint, between the Plaintiff and the Defendant, for the mere purpose of being separated from each other, but in sincerity and truth, for the causes mentioned in the petition,

Subscribed and sworn to before me this 13th day of May 1870

Chas E. Henry att

By J. Hayward Deputy

In the Circuit Court
of Popperman County

Mary H. Keiser
vs.
Byron Keiser

Petition for Divorce,
for Adultery &c.

A. Green
for P. & G.

Filed May 13th 1870
D. H. Keiser att.

THE STATE OF MISSOURI, } SS.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

Byron Ryser

if he be found in your County, that he be and appear before the Honorable
Judge of our Circuit Court, on the first day of the next term thereof, to be
begun and held at the town of Hillsboro, within and for the County of
Jefferson, on the First Monday after the fourth Monday
of Sept. next, then and there to answer unto

Mary Ryser

upon her original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

Witness, **ELIAS F. HONEY**, Clerk of our said
Circuit Court, with the seal thereof hereunto affixed,
at office in Hillsboro, this Ten

day of June A. D. 1890

Elias F. Honey Clerk Circuit Court.

By

Lewis Mayford

Deputy.

72848
RETURNABLE

TO
JEFFERSON CIRCUIT COURT.

Sept Term, 1870

Mary H. Tyer

Plaintiff

AGAINST

Samuel Tyer

Defendant

(Orig)

Served this
23rd day of
June 1870

The within was served on the 23 Day of June a D 1870
at Jefferson County Mo by Delivering a True Copy of the
within writ and Petition to the within named Defendant
Samuel Tyer as furnished to me by the Clerk of the
Circuit Court

fees 100

Fred Luchtmeier Sheriff
G. Ford Vollmach Deputy

Mary H. Kyser, Plaintiff
vs
Byron Kyser, Defendant } In the Circuit
Court of Jefferson
County Missouri

Now at This day Comes the Defendant
and Demurs to Plaintiffs Petition in
this Cause for the following
Reasons, To wit,

1st - Because said Petition is insufficient in Law to entitle Plaintiff to have or obtain a Decree for a Divorce in this ^{no} Cause for a Divorce on the part of Plaintiff is set-out and alleged in said Petition as required by the Statute in such Cases made & provided

Brown & Williams
Atty. for Defendant,

Henry A. Ryder
77
Ryder Ryder

Summers

Will left 6/18/70
C. J. Howard

Mary H. Kyser, - Plaintiff } In the Circuit
Against } Court of Jef=
Byron Kyser, - Defendant } ferson County
Missouri, - September
Term 1870.

The Plaintiff for Amended Petition
filed by leave of the Court, states that on the
24th day of December 1868, in the County of Jef=
ferson in the State of Missouri, she was lawfully
married to the Defendant; that she continued
to live with the Defendant, as his wife, from
and after the day and year aforesaid until the
8th day of June 1869; that, during all that
time the Plaintiff faithfully demeaned her=
self and discharged all her duties as the wife
of the Defendant, and at ^{all} times treated him with
kindness and affection; but, that the Defenda=
ant wholly disregarding his duties as the hus=
band of Plaintiff, very soon after the marriage
aforesaid, contracted habits of improper and
indecent intimacy with one Mrs. Smith, who
occupied two rooms in the upper story of the
same House in which the Defendant resided, - that
Defendant became so infatuated with said woman
that he utterly ignored his wife, and treated her at
all times with entire rudeness, insult, and contempt,
And Plaintiff charges that the Defendant has

since the marriage aforesaid offered such in-
dignities to her as to render her condition intoler-
able, ^{in this,} that the Defendant utterly neglected the
Plaintiff, and gave his attentions exclusively to
said Mrs. Smith, - that he would seldom speak
to Plaintiff at all, and if he did, he always
spoke to her in a haughty, rude, insulting, and
contemptuous manner, - that he would actually
refuse to allow Plaintiff to go with him to any
place whatever, - but, on the contrary, he was habit-
ually engaged in gallanting said Mrs. Smith about
town, often staying with her alone till late in the
night, - that Plaintiff frequently caught Defendant
shut up alone in the bed room of said Mrs. Smith,
~~- who would immediately close the door to, and~~
~~prevent Plaintiff from going in, the Defendant~~
~~still continuing in her room, - that Plaintiff often~~
went to visit her parents, (in the same town) and
stayed till after night, (the Defendant refusing
to come to see her home, saying he had work to do,)
but, when Plaintiff returned home ^{after night}, instead of find-
ing Defendant at work, she found him in Mrs.
Smith's room, lying on two chairs with his
head in her lap, - that he habitually quit Plai-
ntiff's room of nights, and went up stairs to make
his amours to said Mrs. Smith, - that said Mrs. Smith
would often come into Plaintiff's room, and de-
liberately seat herself in Defendant's lap, and the

two would thus carry on their amours in the very presence of Plaintiff, on purpose to insult and treat her with contempt, - and on one occasion while Defendant was in Plaintiff's room, naked and in the act of bathing, said Mrs. Smith came and opened the door, and instead of retiring as decency required, the Defendant invited her to come in, and she did so, and seated herself and remained there in the presence of both Plaintiff and Defendant until Defendant finished bathing. All this, and various other acts of indecency, insult, and contempt, the Defendant practiced and offered to Plaintiff, on purpose to treat Plaintiff with indignity, insult, and contempt. The Plaintiff therefore in consideration of the premises, prays to be divorced from the bonds of matrimony contracted as aforesaid with Defendant, - and that she be restored to her maiden name, - that of Mary W. Wilson, - and that the Court will make such further orders and judgments as will be just and proper.

Abner Green
Attorney for Plaintiff.

This Affiant, Mary W. Kyser, the Plaintiff, makes oath and says that the facts stated in the above petition are true, according to the best knowledge and belief of the Plaintiff, and that the Complaint is not made, out of levity or by collusion, fear or restraint, between the Plaintiff and the Defendant for the mere purpose of being separated from each other, but in sincerity and

truth for the cause mentioned in the petition,
Miss. M. St. Egger,

Sworn and Subscribed to before me this 28th day of
December A.D. 1870. by the said Mrs M. St. Egger—

E. W. Larnack.

Notary Public in & for

Stephen Allen Madison County
State of Illinois



In the Circuit Court
of Jefferson County

Mary H. Ryder

vs,

Byron Ryser

Amended Petition

Filed Dec 30 1870

Wf Boyce,

Mary W. Kyser, Plaintiff
against
Byron Kyser, Defendant } In the Circuit
Court of Jefferson
County Missouri

Now at this day comes the Defendant
and for answer to the amended
petition of Plaintiff in this Cause
says that it is true as in said
petition is stated he and the Plaintiff
were lawfully married to each
other on or about the 24th day of
December 1868 in Jefferson County
Missouri and it is also true
that Plaintiff and Defendant lived
together as husband and wife
from the time of such marriage
up to about the 8th of June 1869
but no longer, but Defendant
Denies that Plaintiff during all
that time faithfully demeaned
herself and discharged all her
duties as the wife of Defendant
or that she at all times treated
him with kindness and affection,

Defendant Denies that very
soon after the marriage afores-
aid that he wholly disregarding his
duties as the husband of Plaintiff
Contracted any habits of improper
or indecent intimacy with one Mrs Smith

who occupied two rooms in the upper story of the same house in which the Defendant resided, Defendant denies that he became so infatuated with said woman that he utterly ignored his wife or that he treated her at any or all times with entire ~~rudeness~~ rudeness, insult and contempt, and Defendant denies that he has since such marriage as aforesaid between himself and Plaintiff offered such indignities to her as to render her condition intolerable, he utterly denies that he utterly neglected the Plaintiff and gave his attentions exclusively to said Mrs Smith, he denies the allegation that he would seldom speak to Plaintiff at all and that if he did he always spoke to her in a haughty, rude, insulting and contemptuous manner, denies that he would or did actually refuse to allow Plaintiff to go with him to any place whatever, denies that he, Defendant, was habitually engaged in gallanting said Mrs Smith about town after staying with her alone till late in the night and denies that he was in the habit of staying with said Mrs Smith alone till late in the night, and Defendant denies that Plaintiff frequently caught him shut up alone in the bed room of said Mrs Smith

Defendant admits that Plaintiff sometimes visited her Parents (in the same Town) and ~~may~~ sometimes ~~have~~ staid till after night as stated in her Petition when she ought to have been at her own home with Defendant but he denies that he on any such occasion refused to come to see her home saying he had work to do unless such statement was in fact true and his business of such nature that he could not conveniently leave or neglect it for the purpose of waiting on Plaintiff from such visit or visits, Defendant denies that Plaintiff upon her return home after night from any visit to her Parents or elsewhere instead of finding Defendant at work found him in Mrs. Smith's Room lying on two chairs with his head in her lap, Defendant denies that he habitually quit Plaintiff's Room of nights and went up stairs to make his amours to said Mrs. Smith, Defendant denies that said Mrs. Smith would often come into Plaintiff's Room and deliberately seat herself in his lap, or that he and said Mrs. Smith would or ever did thus carry on their amours in the very presence of Plaintiff either on purpose to treat Plaintiff with Contempt or to insult her or for

any purpose whatever and denies the
existence at any time of any such
conduct on the part of Defendant and
said Mrs. Smith, Defendant denies that
on one occasion while Defendant was in
Plaintiff's room naked and in the act
of bathing that said Mrs. Smith came
and opened the door and instead of
retiring as decency required that the
Defendant invited her to come in and
denies that she did so and seated
herself and remained there in the
presence of both Plaintiff and Defendant
or either of them until Defendant
finished ~~bathing~~ bathing. Defendant
denies that ^{all} this and various other acts
of indecency, insult, and contempt or
any part thereof was practiced by
him or offered to Plaintiff either on
purpose to treat Plaintiff with
indignity, insult, or contempt or
that either or any of such acts as
charged were practiced or done by
Defendant at all, Defendant denies
that Plaintiff is entitled to be divorced
from the bonds of matrimony
contracted as aforesaid with the
Defendant, or to be restored to her
maiden name or to have any

Relief whatever, By way of Cross Bill or Counter Petition after having fully answered Plaintiff's Petition the Defendant avers that from and after his marriage with Plaintiff as aforesaid and as is by her in her Petition stated he continued to live with her as her husband until the 8th day of June 1869 and that during all that time Defendant treated Plaintiff with faithfulness, demeaned himself and discharged all his duties as the husband of Plaintiff and at all times treated her with kindness and affection but that said Plaintiff wholly disregarding her duties as the wife of Defendant left the Defendant on or about the 8th day of June 1869 without just cause or excuse and did absent herself from Defendant without reasonable cause from the day last aforesaid for the space of more than one whole year next before the filing of her original Petition in this cause or the filing of this answer ^{and cross Bill}. Defendant avers that he has resided within the State of Missouri for more than one whole year next before the filing by Plaintiff of her original Petition in

This action or of the filing of this
Answer and Cross Bill,
and Consideration of the prem-
ises Defendant prays the Court
that the Bonds of matrimony
contracted as aforesaid between
Plaintiff and Defendant be
former dissolved by a Decree
divorcing the Defendant from
the Plaintiff and that the
Court will grant such other
relief as is just & proper

Jos. J. Williams
Atty. for Deft.

Byron Ryser Defendant on oath
says that the facts and allegations
in the foregoing Answer and Cross
Bill are true according to the best
knowledge and belief of the Defendant
and that the Complaint is not
made out of levity or by collusion
fear or restraint between
Plaintiff and Defendant for the
mere purpose of being
separated from each other
but in sincerity and truth for
the purposes therein contained

Sign Her Byron K. S.

Sworn to and
Subscribed before
me this 30th day of
January - 1871
Albert M. Tyler
Notary Public



In Jefferson Circuit
Court

Mary W. Hyer
vs
Byron Hyer

Answer of DEFT. to
Plaintiff's amended
Petition & Cross Bill

Willm. J. 17871
Wm. J. Joyce & Co.

William
for DEFT.

Mary H. Kyser, - Plaintiff } In the Cir-
 Against } Civil Court of
 Byron Kyser, - Defendant } Jefferson County
 } Missouri
 } March Term 1871

The Plaintiff moves the Court to sever from ^{from Plaintiff's depositions} and strike off the several exhibits, numbering from "A" to "Z" and from one to two, attached to Depositions taken by Plaintiff, at the instance and request of the Defendant, on his Cross examination of the Plaintiff's witnesses, for the following reasons: -

- 1- Because said Exhibits purport to be Letters written by Plaintiff to Defendant, but have no dates, and are not signed by Plaintiff,
- 2- Said Letters so made improperly exhibits in said depositions, are incompetent and irrelevant as testimony in said Cause,
- 3- The wife cannot be a witness for, or against her husband, and her statements, or admissions either in writing or otherwise are not competent, -
- 4- Said Exhibits do not ^{tend} to prove or disprove any issue made in the pleadings, and hence are irrelevant.

Abner Green
 Attorney for the Plaintiff

In Circuit Court
Jefferson County

May 26, 1871
vs,
Byron Kyser

Plaintiff vs
Defendant

Filed May 25 1871
in presence of

"B"

County of Jefferson, Mo.

The State of Missouri,

To any Judge
Justice of the Peace, Notary Public, or other Judicial
officer of the State of Illinois, Greeting

Know Ye, that we, in confidence of your prudence
and fidelity, do by these presents authorize you to cause
to come before you, to be examined as witnesses in a cause
depending in our Circuit Court of Jefferson County
in the State of Missouri wherein Mary H. Keyser
is plaintiff and Byron Keyser is Defendant,
all and every such person, and at such time and
place as shall be named to you for that pur-
pose by the said Mary H. Keyser her attorney
or agent. And we command you to examine
all and every such person upon his oath or
solemn affirmation, first made or taken before
you, to testify the whole truth touching his
knowledge of anything relating to the said matter
in controversy between the said parties, and
that you do take his examination and reduce
the same to writing. When you shall have
taken his examination, you are to cause the witness
to sign the same; and to that, and each examination,
at the foot thereof, you are to append your cer-
tificate, setting forth the facts that the examin-
ation was subscribed and sworn to, or affirmed
by the witness, and the day as well as between
what hours of the day on which it was done

and, also the place of residence of the witness (if known to you), Should any paper or exhibit be produced or proven, or be referred to by the witness, you are to describe the same in his examination or cause it to be so marked by him as to establish its identity, and to attach the same to his examination, The examination thus taken, you will cause to be accompanied by a certificate of your official character, attested by the seal of the State; or should it be more convenient, such authentication and proof of your official character may be made by the certificate and seal of the Clerk of any Court of records of any County of the State, district or territory in which you reside, stating, also, in addition to the facts of his being Clerk, and that the court is one of records, that, at the time when the depositions were taken, you were an acting judge (or other such officer to whom the commission is addressed) duly commissioned as such, And you will return the same, and all exhibits produced to you, annexed hereto, carefully closed up and under your seal, directed to the clerk of the circuit Court of Jefferson Hillsboro in and for the County of Jefferson Missouri, with the names of the parties litigant indorsed thereon, with all convenient speed

Witness M. S. Payce clerk of our
said circuit court with the seal

thereof herunto affixed at office
in Hillsboro this Fourteenth day
of March A.D. 1871

W. S. Boyce clerk
By Thos. H. Young Depy

Mary McQueen

24

Duron McQueen

Companion to the
Deborah Hudson

M. McQueen Dec 1800

Mary H. Kyser, — Plaintiff } In the Circuit
Against } Court for the County
Byron Kyser, — Defendant } of Jefferson,
State of Missouri

To Joseph J. Williams, Attorney of
Record for the above named Byron Kyser, the Defend-
ant, — You are hereby notified that depo-
sitions of witnesses, to be read in evidence in the
above entitled Cause, on the part of the Plaintiff;
will be taken at the office of C. W. Leverett, a
Notary Public, one door East of the Presbyterian
Church, in Upper Allen, in the County of Madison
and State of Illinois, on the Twenty Second day
of March 1871, between the hours of eight O' clock
in the forenoon, and six O' clock in the afternoon,
and that the taking of the said depositions, if not
completed on that day, will be continued from
day to day, at the same place, and between
the same hours until completed.

Abner Green
} Attorney for the Plaintiff

I served the within Notice on Joseph J. Mc-
Linn, Attorney of Record for Rogers & Co., the
within named Defendant, in Jefferson County,
Missouri, on the 14th day of March 1871, by
delivering to him, a copy of the same,
and to one authorized to receive same
before me this 14th day
of March 1871,
Myself certified

In Circuit Court
Jefferson County

Mary H. Kyser
vs,
Byron Kyser

Notice to Take
Depositions

Recd by mail of record
and filed March 24. 1877
W. S. Bryce clerk

Depositions of Witnesses, produced, sworn and examined at the Office of C. W. Leverett, a Notary Public, one door East of the Presbyterian Church, in Hepper Alton, in the County of Madison and State of Illinois, before me the undersigned Cyrus W. Leverett, a Notary Public, in and for the Town of Hepper Alton, in the County of Madison, State of Illinois, in a certain cause now pending in the Circuit Court for the County of Jefferson State of Missouri, between Mary H. Kyser, Plaintiff, and Byron Kyser, Defendant, on the part of the Plaintiff, in pursuance of the annexed "Notice to take Depositions", and the annexed "Commission to take Depositions", said Notice being marked "A" and said Commission being marked "B"

Charles Wilson of lawful age, being by me duly sworn according to Law, and examined on the part of the Plaintiff, deposes and saith. My name is Charles Wilson my age is Sixty years, my occupation a Physician and my residence is Hepper Alton, Madison County, State of Illinois. I am acquainted with the parties to the above named suit, have known Mary H. Kyser the Plaintiff, all her life, and have known the Defendant Byron Kyser, about two years and six months. I was present at the time, and saw the Plaintiff and Defendant married on the twenty fourth day of December A.D. 1868, at De Soto, Jefferson County, Missouri. The parties were married by the Rev. John Calvin Downer, of De Soto. I know that the parties to the suit lived together as man and wife from the time of

their marriage until about the eighth day of Jan.
ad 1869. They lived near my own residence, only three
or four doors from my house, and I know that the
said Mary H. Kyser behaved herself as a duti-
ful and affectionate wife should, towards Mr. Ky-
ser the Defendant. I have heard the Defend-
ant speak in a cruel and harsh manner
to the Plaintiff, during the time they were living
together. I have frequently seen the said Mr. Kyser and
a woman named Mrs. Smith passing by my house
in Decoto after night during the time the Plaintiff and
Defendant were living together as husband and wife.
I know that the Defendant during the time he was
living with Plaintiff refused to furnish her the nec-
essaries of life, and that he was abundantly able to
have furnished her the necessaries and comforts
of life if he had been disposed. Shortly after the
marriage of the parties, the Plaintiff came to my
house and appeared very much dejected on
account of the treatment she had received from
her husband. She frequently came afterwards to
my house and about four months after the marriage
she said when she was at my house that his treat-
ment was so abusive that she could not live
with him, but the Defendant came to my house
and in my presence, admitted to his wife that he
had been too familiar with Mrs. Smith, and he
then promised to do better and behave himself

as a husband should towards his wife. And on that understanding the Plaintiff returned to her husband's house with him -

place of residence is the Town of Hepler Alton. Ill
mois. and by me sworn to testify the whole truth of his
knowledge touching the matter in controversy in the cause
of said. and that his deposition was reduced to writ-
ing and subscribed by him in my presence on the 22^d
day of March AD 1871 between the hours of 8 o'clock in the
forenoon and six o'clock in the afternoon, at my Office
in the Town of Hepler Alton Illinois.

Given under my hand and seal of Office this 22 March 1871
C. M. L. Overitt
Not Public

Mrs Sarah Wilson, of lawful age, being by me duly
sworn according to Law, and examined on the
part of the Plaintiff, deposes and saith: My
name is Sarah Wilson, my residence is Hepler
Alton, Madison County, State of Illinois. I know the
parties to this suit - have known the Plaintiff
many years. The Defendant about 2 1/2 years -
know that they were married December 24th
1868 - and lived together as husband and wife
until June 8th - 1869 - I know that the Plaintiff did
conduct herself toward the Defendant as a loving
and dutiful wife, while they lived together - I know
that the Defendant, treated the Plaintiff, with a very
contemptuous
abusive manner. frequently not answering her
reasonable questions, at all: frequently answering

contemptuous
in an ~~abusive~~ manner. and I know that the
Defendant refused to furnish his wife with the
necessary comforts of life.

I know Mrs Smith who is mentioned in the
Amended Petition in this cause. I have read
the said Amended Petition and know that the Defen-
dant was guilty of improper conduct with Mrs.
Smith. One Sunday, on returning from Church
I went into Mrs Kyser's Room and saw Mrs
Smith sitting in Mr Byron Kyser's lap. No one
was in the room when I went in, except Mr.
Kyser and Mrs Smith. The Defendant frequently
asked Mrs. Smith to attend evening meetings
with him and they would go away together -
Mrs Kyser remaining at home. If his wife asked
him to go to Church, or to any neighbor's house
with her, or after her, he refused.

I know that about four months after their marriage
Mrs Kyser, came to my house and that the Defen-
dant afterwards came and desired her to return
to his house. That Mr Kyser confessed to his wife, the
Plaintiff, in my presence that he had done wrong
and promised to do better in future, if she would
live with him again, and that he would conduct
himself as an affectionate husband should, and
that he would abandon all intercourse and inti-
macy with Mrs. Smith. Then they commenced
living together again and remained living together

as husband and wife, till about the 8th day of June 1869. But I know, that after the Defendant promised his wife to abandon his intimacy with Mrs Smith, that he afterwards resumed his intercourse with her. I have known, of my own knowledge, that Mr Kyser and Mrs Smith were shut up together alone in Mrs Smith's Room, in the day time and at night, this was after they Mr & Mrs Kyser had begun living together again as above stated, and he had promised to abandon his intimacy and intercourse with Mrs. Smith. I know that there were many reports concerning Mr Kyser's intimacy with Mrs. Smith, which were of a scandalous character, after Mrs. Kyser went back with him to live with him.

(Cross Examination of Mrs Sarah Wilson)

I am the mother of the Plaintiff, in this cause. Mrs. Kyser once asked him for a pair of shoes and he Mr. Kyser gave her no reply. At the time I speak of seeing Mrs Smith sitting in Mr Kyser's lap, they were sitting together by the stove, she was sitting half on his knee and half on the chair. Mrs Kyser was with me, about three weeks before Mrs Kyser left her husband the last time, she took her things and came home to our house and remained two or three days. Mr Wilson and myself would not consent to Mrs Kyser's going back to her husband, unless he would

have nothing to do with Mrs. Smith. Mr & Mrs Kyser began living together again, and lived together two or three weeks, when she finally left him, about June 8th. 1869. After she went back to her husband, I was at their house. I think on a week day. The time I saw Mrs. Smith & Mr Kyser sitting together as above stated was before they were reconciled and began to live together again. At the time they "made up", after she left him the first time, they talked over the matter about Mrs. Smith. I never saw anything improper in Mr Kyser and Mrs Smith's conduct after Mr Kyser and Mrs Kyser began living together again after they "made up". I saw Mr Kyser carrying a babe of Mrs Smith's, on the street, from its home to its Grandfather's. I never heard Mr Kyser ask Mrs Smith to go to an evening meeting. I never saw them together at an evening meeting. I have heard Mrs Kyser ask her husband to go with her to a Morning Meeting, Sunday, while they lived together. I never saw them together at meeting but once, after their marriage. (A Letter is here shown Mrs Wilson, the witness, said Letter is hereto attached marked Exhibit "A", and made a part of this testimony) Witness says: — I know the hand writing in this Letter it is Mrs. Kyser's writing. (Various Letters marked Exhibits "B" "C" "D" "E" "F" "G" "H" "I")

"J" "K" "L" "M" "N" "O" "P" "Q" "R" "S" "T" "U" "V" "W" "X" "Y"
"Z" "1" "2" hereto attached are shown the witness
she says) I know the hand writing it is Mrs-
Kyser's handwriting. (all said Letters are here
to attached and offered as evidence on
this cause.) I know that Mr Kyser was in the
habit of coming on to our premises and mak-
ing signals to his wife, by throwing on to the
windows and in other ways, after she left him
the last time. I used to speak to her about not
going to live with her husband again. I did
not wish you, (Mrs Kyser) to go back to her
husband. unless she thought they could be
happy, and he would let Mrs Smith alone
Mr Smith. Mrs Smith's husband, was in
the house, in his Store, and was about the
place all the time Mr & Mrs Kyser lived
in the house. I never saw Mr Kyser and Mrs-
Smith shut up together, but I infer that they
were in a room together. I was never in Mr
Smith's part of the house.

I, Cyrus W. Linerth, a Notary Public in
and for the Town of Hepler Alton, in the County
of Madison, State of Illinois, do hereby certify
that Sarah Wilson, the Dependent whose place
of residence is Hepler Alton, Illinois, was by
me sworn to testify the whole truth of his

knowledge, touching the matter in controversy
in the said affidavit and that her deposition
was reduced to writing and subscribed by her
in my presence on the 22^d day of March 1871,
between the hours of eight o'clock in the
forenoon and six o'clock in the afternoon
at my Office in the Town of Wapoor Utah the
said

Witness under my hand and seal do
tional this 22^d day of March AD 1871.

C. M. Spencer

County Clerk

Costs of Depositions
Paid \$5.00



Received by mail opened
and Filed March 24. 1871
W S Boyce

T

(Cross Examination of Charles Wilson)

The Plaintiff in this case is my daughter -
I can not state how many times I have seen
Mr Kyser and the lady Mrs. Smith pass my house.
it was during the day time and evening, both - I do
not know whether they were alone or not, by evening
or night, I mean between noon and sundown -
I have seen them together passing my house more than
once - I can not state any particular time, sometimes
they were going towards Mr. Smith's house, sometimes
towards Dr. Bemers house, Mrs. Smith was a married
woman, so reputed - Dr. Bemers was Mrs. Smith's
father. When I first knew Mr. Kyser, he was boarding
in Mr. Smith's family - he had lived with them several
years - After Mr. Kyser was married to the Plaintiff
he lived at Mr. Smith's house, Mr. Smith's family
lived in the same house. Mr. Smith's family up
stairs and Mr. Kyser's down stairs - Mr. Smith
kept a provision store in one part of the house -
Messrs. Burroughs & Kyser occupied the front part
of the same building as a Hardware Store - I was fre-
quently at the house while the parties were living
together a man and wife, I seldom eat there
only once that I remember of during that time.
They had enough to eat - was comfortable - never
heard any complaint from Mrs. Kyser, about any
lack of food or drink: I never knew of Mrs. Kyser's
going ragged, she was well supplied with clothes
when she was married - they lived together between

five and six months. Mr. Kyser never admitted that his intercourse with Mrs Smith was of a criminal nature, his admission was in general terms that he had been too ~~intimate~~ familiar. Mrs Kyser left her husband about the 8th day of June 1869 and came to my house and has not lived with him since. They were keeping house at that time. June 8th 1869 she took her trunk and clothes as far as I know, and brought them to my house. I never saw any unbecoming familiarity between Mr Kyser and Mrs Smith when I saw them on the Streets together. After Mrs Kyser left her husband she went to Hillsboro to teach school she remained there, from sometime in October 1869, until near August first 1870. She then came to this place Leppan Alton Illinois, and is now living here with me. Mr and Mrs Kyser had no children. After Mrs Kyser left her husband the last time, she would pay attention to signals he would make and meet him near my house and on my premises. I would not allow him to come in my premises. I tried to keep her away from her husband I tried to keep them from coming together and living together again.

Charles W. Bloomer, Jr.,
J. Cyrus W. Linnell, a Notary Public in and for the Town
of Leppan Alton Madison County, State of Illinois. do
hereby certify that Charles Wilson the deponent whose

Dear Byron Always loving
The reason you did not see
me pass at noon yesterday,
was because I ate dinner
at M^{rs} Cantrells, when I
got home in the evening I
found mother gone to Jenkins.
she had not told me she
was going, so I think her
suspicion must have been
aroused in some way,
though I cannot tell how.
She left word for me to go
and meet her, which I did,
we got home before dark
and I went right away
to M^{rs} Vangesons on an
errand, and stayed till
most ten o'clock, Mother
went to prayer meeting
and father was the only one in
the house, from ^{before} dark till
most ten, so that is the
reason the house seemed all

so shut up, and you thought
a little hell within. (m 22)

Mr Clark went berrying
yesterday, and Fanny had to
go for the mail, and that is
how she happened to be with
me when I passed at noon.

O dear Bz, Mrs Smith has
been as much a preventive
of our happeness, and more,
than my parents have. She
has been telling, she used to
go around in to things when
I was gone to try to find
fault and now she is telling
big lies about it.

Was that right in her? I knew
she did, for she accidentally had
left her marks behind her. If
you will still stand up for her
and condemn me, then I would
rather ~~not~~ say good by. My
parents and myself are to blame
in a great measure, but if you
feel as if you and Smiths folks
acted right, then

I would say good by and then we are both free

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