

Doc. Thirty.

No. 193

DISTRICT COURT

Douglas County, Nebraska.

Reading Smith
vs.

Maud M. Smith

Complete Record
Book 166 Page 32
37

ADJUDICATED,

MAY 1892

TERM!

Charles E. Keen
Attorney.

Omaha Republican Printing Co.

IN THE DISTRICT COURT IN AND FOR DOUGLAS COUNTY, NEBRASKA.

Dwight Smith

Plaintiff.

vs.

Maud W. Smith

Defendant.

PETITION.

Comes now the said plaintiff and complaining of the said defendant for cause of action alleges that for more than four years immediately preceding the filing of this petition he has been and now is a resident of Douglas County in the State of Nebraska.

That on the 8th day of Oct 1883 at St. Joseph in the State of Missouri he was married to the defendant, and has ever since conducted himself towards the said defendant as a faithful, chaste and obedient husband.

That the defendant disregarding her duties as a wife, on the _____ day of July 1888 wilfully deserted the plaintiff and for more than two years last past has been wilfully absent from him without a reasonable or just cause.

Wherefore the plaintiff prays that he may be granted a decree of absolute divorce from the said defendant, and that he may have such further relief as equity and justice may require.

Chas. B. Kerner
Attorney for plaintiff.

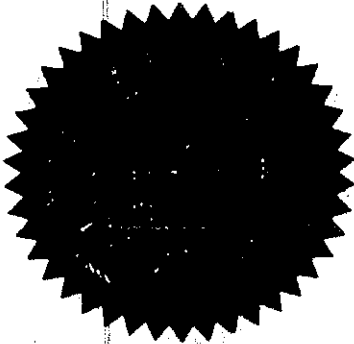
State of Nebraska, :
 : ss.
County of Douglas, :

Dudley Smith being first duly sworn on his
oath says that he is the plaintiff in the above entitled suit,
that he has read the foregoing petition and knows the
contents thereof, and that the facts therein stated are true.

Dudley Smith

Subscribed in my presence and sworn to before me this
16th day of March, 1892.

Frederick W. H. C.
Notary Public.



Doc. 30 No. 193

DISTRICT COURT.
DOUGLAS COUNTY.

Smith,
vs.

Smith.

SUMMONS.

Amount claimed of the Defendant by the
Plaintiff is \$ and

FILED

APR

14

1892

Frank G. Moore

Chas. B. Keller,
Plaintiff's Attorney.

Returned and filed

Omaha Republican Printing Co.

*April 14 1892,
Returned by order of
Plaintiff At my
Notarial Service.*

*State of Missouri }
Buchanan County }
Summons is hereby accepted by
signature of the within
after answer entered in said court
At Joseph Mo. March 1892*

SUMMONS.

Omaha Republican Printing Co.

State of Nebraska,)
DOUGLAS COUNTY.)

ss.

The State of Nebraska.

To the Sheriff of said County:

You are hereby commanded to notify the Defendant

Maud W. Smith,

that she has been sued by Dudley Smith,

in the District Court for said County, that unless she answers on or before the 15th.

day of April A. D. 1892, the petition of the said Plaintiff against her

filed in the Clerk's office of said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this Summons on the 28th.

day of March A. D. 1892.

WITNESS my signature and the seal of said Court, at Omaha, this

15th. day of March

A. D. 1892.

Frank E. Mowbray

Clerk.

Doc 30-193

District Court
Douglas County, Neb.

Budley Smith

man & Hyatt Smith

Affidavit for
Service of Publication

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Smith & Moser
CLERK

IN THE DISTRICT COURT IN AND FOR DOUGLAS COUNTY, NEBRASKA.

=====

Dudley Smith,

Plaintiff.

v.

Maud Wyeth Smith,

Defendant.

=====

AFFIDAVIT FOR SERVICE BY

PUBLICATION.

Docket 30. No. 193.

Dudley Smith being first duly sworn on his oath says that he is the plaintiff in the above entitled action. That on the 28th day of March, 1892, he filed a petition in the District Court in and for Douglas County, Nebraska, against Maud Wyeth Smith, the object and prayer of which is to obtain a decree of absolute divorce from the bonds of matrimony from the said Maud Wyeth Smith upon the grounds of wilfull abandonment and desertion for more than two years last past, without just cause or excuse.

Affiant further states that said defendant Maud Wyeth Smith is a non-resident of the State of Nebraska and now absent therefrom and service of summons cannot be made within the state of Nebraska upon her.

Wherefore the plaintiff prays for service upon the said defendant by publication as by the statutes of Nebraska in such cases made and provided.

Subscribed in my presence and sworn to before me this
14th day of April, 1892.

Dudley Smith

Jessie B. Burgess
Notary Public.

STATE OF MISSOURI, }
COUNTY OF BUCHANAN. }

I, T. ED. CAMPBELL, Clerk of the County Court within and for the County and State
aforesaid, do hereby certify that

Public is, and was at the time of signing the foregoing instrument of writing, an acting *Notary*
in and for the County and State aforesaid, duly commissioned
and qualified to take acknowledgments of deeds and other instruments of writing, according to the law
of this State, and to administer oaths and affirmations, and that his acts as such are entitled to full faith
and credit, and furthermore, that his signature attached thereto is genuine.

And I further certify, that the said instrument is executed and acknowledged according to the laws
of the State of Missouri.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the
County Court of Buchanan County, this *20* day of

April A. D. 189*2*

T. Ed Campbell
Clerk of the County Court.
J. J. Lysaght
Deputy.

Doc. 30 No. 193

DISTRICT COURT
DOUGLAS COUNTY.

Smith,

vs.

Smith.

Alias SUMMONS.

Amount claimed of the Defendant by the
Plaintiff is \$ and

FILED
APR
28
1892
Frank G. Meier
Clerk

Chas. B. Keller,
Plaintiff's Attorney.

Returned and filed

Omaha Republican Printing Co.

*State of Missouri } o's emblem Paulon being first body above
Missouri } on his oath - say - who he is the
copy of the same } to March 11
the with the required } of Paulon
Missouri } of Paulon
Missouri } of Paulon*

*Examine to 14 April
Sheriff of said
By a Paulon
Deputy Sheriff*

Res. 1892

*Subscribed and sworn to before me
this 20th day of April, 1892.*

My Commission Expires Jan. 6 1895

Notary Public for Douglas County, Mo.

SUMMONS.

Omaha Republican Printing Co.

State of Nebraska,
DOUGLAS COUNTY.

ss.

The State of Nebraska.

To the Sheriff of said County :

You are hereby commanded to notify the Defendant Maud W. Smith

that she has been sued by Dudley Smith,

in the District Court for said County, that unless she answer on or before the 23rd day of May A. D. 1894, the petition of the said Plaintiff against her filed in the Clerk's office of said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this Summons on the 2nd day of May A. D. 1894.

WITNESS my signature and the seal of said Court, at Omaha, this 14th day of April A. D. 1894.
Frank E. Moore
Clerk.

Doc. 30 No. 193

Quincy Smith

vs.

Edward H. Smith

NOTICE OF TRIAL.

FILED

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23

1893

Smith & Moore

Attorney for

REES PRINTING CO., OMAHA.

District Court, Douglas County, Nebraska.

App. Doc. 30 No. 193

Attorneys

Dudley Smith

vs.

Kelley

Marion N. Smith

Upon issue of

Court

Lane

For Trial by

Court

TO THE CLERK OF SAID COURT:

Notice is hereby given that the above entitled Cause will be for trial at the next term of said Court, as above noted.

Dated

April 23 1892

Attorney for

PK

Docket 30 Page No. 193

District Court,
DOUGLAS COUNTY.

Dudley Smith

Plaintiff....

vs.

Maud W. Smith

Defendant....

Chas. B. Keener

Attorney for Plff

REMARKS:

FILED
JUN
2
1892
Frank C. Mc
CLERK

Publisher's Fee,
Affidavit

7.50
25

Total Publication Fees, \$

17.50

PROOF OF PUBLICATION.

U. S. AMERICA.

State of Nebraska, Douglas County, } ss.

CITY OF OMAHA.

Arthur Pietering

being duly sworn, deposes and says that

he is the Foreman of the OMAHA MERCURY, a weekly newspaper printed and circulated every Friday, in the City of Omaha, Douglas County and State of Nebraska, and that the Notice hereto attached was published in the said OMAHA MERCURY for

four consecutive weeks, the first date being *April 22* 189*2*, and the last date of publication being *May 13* 189*2*

The said OMAHA MERCURY was during the time in general circulation in the States of Nebraska, Iowa and the different Middle and Western States, and particularly in the County of Douglas and the State of Nebraska.

SIGNED

Arthur Pietering
(Signature)

Subscribed in my presence, and sworn to before me this *May* day of *May* 189*2*

Edw. E. Bunder
(Signature)

Notary Public

PAID OMAHA MERCURY.
Per McGraw

M *Chas. D. Keller*

OMAHA, NEB., MAY 13 1892

In Account With THE OMAHA MERCURY.

PAID OMAHA MERCURY.
Per McGraw

Lafayette Smith

7 75

\$

IN THE DISTRICT COURT IN AND FOR DOUGLAS COUNTY, NEBRASKA.

Dudley Smith,
Plaintiff,
vs.
Maud W. Smith,
Defendant.

DECREE.

This cause came on to be heard this day upon the petition and the evidence, and was submitted to the Court, on consideration whereof the Court finds that due legal and sufficient service has been made upon the defendant, and that due notice of the filing and pendance of this action was given the Defendant according to law.

The Court further finds that the plaintiff has resided for more than four years immediately preceding the filing of this petition herein, in Douglas County, Nebraska.

The Court further finds that on October 11th, 1892, at St. Joseph, in the State of Missouri, the plaintiff was married to the defendant and that he has ever since conducted himself towards the said defendant as a faithful, chaste and obedient husband, and that the defendant, disregarding her duties as a wife, has been wilfully absent from the plaintiff without good cause or excuse for more than ten years prior to the filing of the petition herein.

It is therefore considered by the Court that the marriage relation heretofore existing between the parties be, and the same hereby is set aside and wholly annulled, and that the parties hereto be forever released from all obligations of the same, and that the plaintiffs pay the costs of this action taxed at _____ Dollars.

Wm. H. Keyser
Judge

SON & WILSON,
Attorneys-at-Law,
Trusts Building,
ST. JOSEPH, MO.

Clerk of District Court of Douglas Co. Neb.

CHAS. E. K. D.,
Notary Public

JUN 21 1892

REQUEST OF
Plaintiffs ATTORNEY,
HAWK & MOORE,
by H. H. H. for Deputy

FILED

JUN
17
1892

Hawk & Moore
Clerk



30-193

Grand W. Smith.

Depositions in said action
on behalf of the plaintiff &
These depositions taken,
sealed up, endorsed, address-
ed and transmitted by me.

Chas. Crow
Notary Public

30 - 193

OPENED.

JUN 21 1892

AT REQUEST OF

Plaintiff's ATTORNEY,

Frank B. McConck, CLERK

By A. Chan, Jr.
Deputy

NOTICE TO TAKE DEPOSITIONS

vs.

vs.

vs.

Plaintiff

Defendant

In the District Court of the

Judicial District, in and for the County of

and State of Nebraska.

Filed

18

Clerk of the District Court

OMAHA MERCURY LEGAL BLANKS

Executed etc within notice by delivering
a copy of the same to Maud H Smith
None in Buchanan County Mo this
11th day of June 1892

E. H. Pratt Sheriff
By A. Patton Deputy

STATE OF NEBRASKA,

In the District Court of the

Judicial District of

County of DouglasNebraska, in and for Douglas County.Dudley Smith

Plaintiff

vs.

Neand H. Smith

Defendant

Notice to Take Depositions.

The above named Defendant will take notice that on Wednesday the 15th day of June 1892 the said Plaintiff will take the depositions of

Mr John I McDonald James
Craig Jr. and H. H. Wheeler

sundry witnesses to be used as evidence on the trial of the above entitled cause, before competent authority, at Room 25 Hughes Building in the City St. Joseph County of Missouri and State of Missouri at the hour of 10 o'clock A. with authority to adjourn from day to day until all such depositions shall have been taken.

Received copy of the above notice this

day of June A. D. 1892

Attorney for

Attorney for

Attorney for

Attorney for

INSTRUCTIONS FOR TAKING DEPOSITIONS.

Caption should show which Parties are Present by Themselves or Attorneys. Begin with the Following Caption:

"Depositions of sundry witnesses taken before me, [here insert the name of the Magistrate and his official character as a Justice of the Peace or Notary Public, etc.] within and for the County of _____ in the State of _____, on the _____ day of _____ in the year _____, between the hours of _____ A. M. and _____ P. M., at _____ in said County, pursuant to the annexed notice for agreement, as the case may be, to be read in evidence in behalf of the [plaintiff or defendant, as the case may be] in an action pending in _____ [naming the court] in which _____ plaintiff and _____ defendant."

"A. B., of lawful age, being by me first duly examined, cautioned and solemnly sworn, as hereinafter certified [or affirmed] deposes and says as follows, viz.: [here write the deposition] and so on with all the witnesses."

The deposition may be taken by stating the facts in reply to questions first written down or in a narrative form.

In Nebraska they may be taken before a Judge or Clerk of the Supreme or District Court, Probate Judge, or before a Justice of the Peace, Notary Public, Mayor or Chief Magistrate of any City or Town corporate, Master Commissioner or person empowered by special commission; out of Nebraska, by a Judge, Justice, or Chancellor of any Court of Record, a Justice of the Peace, Notary Public, Mayor or Chief Magistrate of any City or Town corporate, Commissioner appointed by the Governor of Nebraska to take depositions, or any person authorized by special commission.

If there are adjournments they should be noted by the Magistrate or other officer taking the depositions, from day to day at the close of the day, with the reasons therefor.

Objections should be entered to the witnesses supposed to be interested, and to questions supposed to be illegal. This entry is made on behalf of the party raising the objection, simply by a short note made by the Magistrate or officer taking the depositions.

Each witness must sign his own deposition. The notice must be attached to the depositions and enclosed with them.

The depositions must be commenced on the day named, and some portion of a deposition taken on such successive days, Sundays excepted, adjournments being from Saturday to Monday, Sundays and National holidays not being regarded.

When depositions are taken under an agreement, the above instructions will be followed except where they are modified by the agreement. In such case the agreement will be followed. It should be attached to deposition, if sent, and referred to in the caption, as the notice is when taken under a notice.

If taken by interrogatories and cross-interrogatories, under agreement

or otherwise, every interrogatory and cross-interrogatory must be put to each witness, and answered as far as he can answer it, and the answer be written down. The deposition must show that each interrogatory and cross-interrogatory was thus put and answered.

The fees for taking the depositions should be taxed, and a memorandum made by whom they were paid. Close the depositions with a Certificate in the form following, viz.:

"I, A. B., [naming the official character of the Magistrate according to the fact] do hereby certify that [naming all the witnesses who have testified] were by me first severally duly sworn [or affirmed] to testify the truth, the whole truth, and nothing but the truth, and that the depositions, by them respectively subscribed as above set forth, and were reduced to writing by myself [or if by any other person, name him, and say] who is not interested in the suit, in my presence, and [in the presence of the witnesses respectively, and were respectively subscribed by the said witnesses in my presence, and were taken at the time and place in the annexed notice (or agreement) specified; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit; [if there be adjournments add] and said depositions were commenced at the time in said notice specified, and continued by adjournments from day to day, as above stated."

[Signed] In testimony whereof, etc. A. B." Depositions taken before any authorized officer having an official seal must be certified by him under such seal and his official signature. If the officer has no official seal, the deposition [if not taken in this State] must be certified and signed by such officer, and further authenticated by parol proof adduced in court, or by the official certificate and seal of any Secretary or other officer of State keeping the great seal thereof, or of the Clerk or Prothonotary of any court having a seal, attesting that such judicial or other officer was, at the time of taking the same, authorized to do so (as being one of the officers above mentioned). This certificate should be attached to the certificate of the officer taking the deposition.

This proof of official character is omitted when waived by agreement of parties by endorsement on notice; but this agreement does not waive the taking at the specified time and place.

The whole should be sealed up by the officer taking the same, and the envelope addressed to the Clerk of the Court in which the action is pending, and endorsed as follows:

"A. B. against C. D., [giving the title of the case]. Depositions in said action on behalf of the _____ [plaintiff or defendant, as the case may be]. These depositions taken, sealed up, endorsed, attested, and transmitted by me. L. M. Notary Public."

FILED IN

OF

IN

DATE

FILED

IN

DATE

FILED

IN

DATE

CLERK OF THE DISTRICT COURT
Appearance Docket Files
This images has been filmed twice
to assure legibility.
Shirley M. Smith
Assistant Microfilm
Records Manager

[illegible]

Notary Public for the County of Jackson, in the State of
Missouri, on the 15th day of June in the year 1899, between the hours
of ten o'clock and one o'clock P.M. at Room 25 Hughes Building
in the City of St. Joseph, in said County, pursuant to the usual
notice to appear in evidence on behalf of the plaintiff in an action
pending in the District Court of Jackson County, State of Missouri, in
which Dudley J. Baker is plaintiff and Mary Elizabeth Baker is

Where Urinal of Evidence was found, were first duly examined, cautioned and sworn to state the truth and to certify as truth and faith as follows: viz.

~~CONFIDENTIAL - SECURITY MATTER~~
~~FOR OFFICIAL USE ONLY~~
This includes the name and address
to return letter.

30 years, resided in St. Joseph, Missouri, at about 1883.

I am well acquainted with both parties and their families. They were married in St. Joseph in the year 1883. After their marriage they lived in this city as husband and wife until about three years ago, when defendant went abroad with her father, and plaintiff removed to Omaha. While living here plaintiff was vice president and general manager of the Wyeth Hardware & Manufacturing Company, one of the largest mercantile and manufacturing establishments in this city. Plaintiff was while living here and in 1889 in the best of health and in good circumstances and did not appear to have in the least been inclined to live. Both plaintiff and defendant were well known in this community. After defendant's return from Europe she ~~remained~~ ^{to live} continued with her father here in St. Joseph. A short time after her return, I think some time during the year 1889, defendant stated in my presence that she had been importuned by plaintiff to go to Omaha to live with him. That plaintiff was willing to provide suitably for her if she would go, and objected to her remaining away from him any longer. That defendant further stated she was well satisfied to remain with her parents and ~~did not~~ ^{would not leave} ~~leave~~ ^{leave} them to live with plaintiff. That defendant has on several different occasions since said conversation, the last time being some three or four months ago referred, either to the witness or in his presence, to her determination not to live with plaintiff, stating that she preferred remaining where she ~~was~~ ^{lives}. That defendant's parents are very wealthy and very much attached to defendant, and are both very much opposed to defendant.



RECEIVED
 TELETYPE UNIT
 THIS MESSAGE IS NOT A CABLE MESSAGE
 CO. BUREAU OF INVESTIGATION
 DEPARTMENT OF JUSTICE
 WASHINGTON, D. C.

leaving them.

J. Craig

Subscribed and sworn to
before me this 15th day of June 1892

Chas Crow
Notary Public

Mrs John & MC Donald of lawful age being by
^{first} duly sworn examined cautioned and
solemnly sworn has hereinafter certified
deposith and sayeth as follows viz

My name is Mrs. John I. McDonald, I reside at St. Joseph, Mo. I have been well acquainted with both plaintiff and defendant in this section for a number of years. They were married in this city in the year 1882, and resided here, living together as husband and wife with the exception of about eight months when they lived in Pueblo, Colo. until the year 1887. In that year the defendant went abroad with her mother remaining away from this city about two years. While plaintiff and defendant were living together here they seemed to get along together amicably, and I never knew of plaintiff mistreating the defendant in any manner. Plaintiff while living here was in good air circumstances financially and able to support his wife suitably and as far as I know he did support her. They lived with defendant's parents. A short time before defendant left to go abroad, she told me in a conversation I had with her that she never intended to live with plaintiff again ~~because she did not think~~ as she knew she would not be happy with him. During the early part of 1886, plaintiff removed to Omaha where he has since resided. A short time after defendant returned from Europe I had another conversation with her in which she stated to me that she had received a letter from plaintiff urging her to come to Omaha to live with him, but that ~~her mind~~ her mind was made up that she would not live with plaintiff. I had this conversation with defendant it was shortly after her return from Omaha where she had been for about a week or two.

Wm. John I. McDonald

Subscribed and sworn to
before me this 15th day of June 1892

Chas. Brown

Notary Public

Not being able to complete the taking of depositions on the 15th day of June 1892, the further taking of testimony is continued to the 16th day of June 1892, when it is to be resumed at the place herein mentioned in the annexed order.

Chas Crow Notary Public

cautioned him solemnly sworn as hereinafter certified deponent and saith as follows viz.

My name is William W. Wheeler, place of residence St. Joseph, Mo. business partner in the firm of Twiss, Hosen & Co. Wholesaler in Dry goods boots and shoes, I have lived in St. Joseph twenty years, and have known Mr. Dudley Smith intimately for the greater portion of that time. I am his brother in law, having married his sister nearly thirteen years ago. Mr. Dudley Smith is known to me to be an honorable upright business man, with the very best of character and integrity. ~~xxxxxxx~~ So far as I know he always treated his wife with the utmost consideration & kindness and provided for her in a proper manner. I know that he desired and expected her to go to Omaha with him when he went in business at that place, and I do not know why she did not go there to live with him.

W W Wheeler

Subscribed and sworn to before me
this 16th day of June 1892

Chas Crow

Notary Public for the State of Missouri
My Comm. Expires June 1st 1893
Chas Crow
Notary Public

Not being able to complete the taking of depositions on the 15th day of June 1892, the further taking of testimony is continued to the 16th day of June 1892, when to be sworn in the presence of the court and the same being read in the presence of the court.

Chas Crow Notary Public

cautioned and solemnly sworn to thereafter depose and testify as follows viz.

My name is William W. Wheeler, place of residence St. Joseph, Mo. business partner in the firm of Charles Hosen & Co. Wholesale Dry goods boots and shoes, I have lived in St. Joseph twenty years, and have known Mr. Dudley Smith intimately for the greater portion of that time. I am his brother in law, having married his sister nearly thirteen years ago. Mr. Dudley Smith is known to me to be an honorable upright business man, with the very best of character and integrity. ~~xxxxxx~~ So far as I know he always treated his wife with the utmost consideration, kindness and provided for her in a proper manner. I know that he desired and expected her to go to China with him when he went in business at that place, and I do not know why she did not go there to live with him.

W W Wheeler

Subscribed and sworn to before me
this 16th day of June 1892.

Chas Crow

I, Charles E. Crow, Notary Public within and for the County of Buchanan, State of Missouri, do hereby certify that on the 10th day of June 1902, I, McMonahan and W.M. and others of the first party sworn to testify the truth, the whole truth and nothing but the truth, and that the deposition of each witness taken and signed as above stated and were not objected to by the parties or their counsel, and were taken in my presence and the presence of the witnesses respectively and were respectively subscribed by said witnesses in my presence and were taken at the time in the annexed notice specified. That I am not counsel, attorney or representative of either party, or otherwise interested in the event of the trial and said deposition was commenced at the time said notice specified and continued by adjournments from day to day as above stated.

In testimony whereof I hereunto set my hand and Notarial seal this 10th day of June 1902.

.....*Chas. E. Crow*.....
Notary Public.

Notary Fees \$6.45 Paid by Plaintiff
Chas. E. Crow
Notary Public

I, Charles C. Crow, Notary Public within and for the State of New York,
do hereby certify that on the 10th day of June, 1938, before me,
I, McDonald, and W. A. [unclear] and [unclear] were present and depose-
truth, the whole truth and nothing but the truth, and that the deposi-
tion of each of said [unclear] and [unclear] was taken in my presence
and in my presence and the presence of the witnesses respectively
and were taken at the time in the several notices specified. That I
am not counsel, attorney or agent of either party, or otherwise
interested in the event of this said deposition, and that the deposition
commenced at the time said notice specified and continued by
adjournments from day to day as above stated.

In testimony whereof I hereunto set my hand and Notarial seal
this 10th day of June 1938.

..... *Chas. C. Crow*
Notary Public.

Notary Fees \$6.45 Paid by Plaintiff
Chas. C. Crow
Notary Public