

Custody hearing pitted a father against his in-laws

The pretty little girl playing in the Monroe County courtroom didn't understand what was going on around her. Actually, her future was being decided by a judge, lawyers and witnesses.

The July court proceeding was a custody battle over 3-year-old Ruth Gilmore, described by a *Bloomington Telephone* reporter as having "pretty curls and rosy cheeks." The contestants were her father, Russell, and her sister and brother-in-law, the H. T. Kitsons.

Ruth's mother was dying of consumption when she asked that the Kitsons allow her (and daughter) to stay with them. The July 15, 1904, article in the newspaper doesn't indicate how long it took for Mrs. Gilmore to die, but it is logical to conclude that her decline lasted over at least several months.

Kitson, who was represented by Ira C. Bat-



LOOKING BACK

By Rose McIlveen

man, testified that everything that could be done was done for his sister-in-law, including a tent so that she could sleep outside the house. Fresh air was a standard treatment for consumption in those days.

The *Telephone* described Kitson's point of view. He told the court that "A tent was provided, she was given open air treatment, and every care and luxury offered that money could secure, yet Gilmore had not paid or offered to pay any of these expenses. It was also stated that Mr. Kitson paid part of the

funeral expenses."

Money was not the only issue. Batman did not resist the tactic of attacking Gilmore's character. Continued the newspaper, "... evidence was introduced to show that Gilmore was a drinking man, used cigarettes to excess and also that the conditions were not so favorable for the raising of a little girl with the father."

The *Telephone* noted that there were a great many female spectators in the courtroom, presumably friends of the Kitsons. Gilmore, on the other hand, did have some witnesses who testified on his behalf — acquaintances from Indianapolis, where he worked as a typesetter.

Gilmore's mother also testified. The newspaper described her part in the proceedings. "Mrs. Gilmore testified that it was her desire for her son to have the child and said it was

her intention to assist in caring for it and give it a home, a mother's care and all advantage possible."

Gilmore denied that he had not provided for his wife and said he had done the best he could. He told the court that he missed his child and, according to the newspaper, he seemed to be sincere.

On July 19 Judge James B. Wilson gave his verdict. Little Ruth was to remain with her aunt and uncle, but her father was to have "all privileges of visiting his daughter and the cost is to be paid equally by both sides."

Wilson admitted that under the law the father did have a right to custody of his child.

Wilson added, "This child should never know many things that have been said in the trial; all should forget the unkind incidents brought out in the evidence."

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