

CITY WINS BOTH CASES

The Law Suits Over Strip Adjoining Harvey Park and Water Pumping Contract are Won by City.

Judge T. L. Maxwell has decided both of the cases in which the city was a party which were tried before him at the March term of the district court...

In the case of Joseph Hamilton vs. City of Leon and the Park Commissioners in which Mr. Hamilton sought to restrain the defendants from interfering with his fencing a sixteen foot strip along the north side of Harvey Park to which he claimed ownership...

In the case of the Leon Electric Co. vs. City of Leon, in which the plaintiffs sought to have a contract made with the city for pumping the city water rescinded or changed, alleging the pumps installed by the city in the deep well did not pump as much water per minute as the contract called for...

Both of these cases have been watched with interest and we give the opinion of Judge Maxwell in both cases:

Joseph Hamilton vs. City of Leon and Park Commissioners.

On and prior to February 7, 1873, Abial Miles, was the owner of all or the largest portion of the southwest fourth of the northwest fourth of section 33, in township 69, range 25, which now constitutes a part of the City of Leon.

Beginning at a point 240 feet south of a point 315 feet east of the northwest corner of the southwest fourth of the northwest fourth of section 33, township 69, range 25, and running thence east 493 feet; thence south 216 feet; thence west, 493 feet; thence north 216 feet to point of beginning.

This tract of land in the city is now platted, extends from Main street on the west, to Q street on the east. It was improved and fenced by the plaintiff many years ago, and there is no question between the plaintiff and his grantees on the one hand, and the city of Leon on the other hand, as to this tract of land.

A strip of ground 16 feet wide adjoining this tract on the south, and extending from street to street is in dispute in this action. The city claims this strip as a public alley; that it was dedicated to the public as such many years ago, and was accepted, recognized, and has been used by the public as such ever since.

The plaintiff in his evidence in chief seemed to claim the strip as a part of the tract conveyed to him by Miles, but when it was shown by the evidence, that he and his grantees were in possession of the whole 216 foot tract conveyed to him by Miles, he then testified that he had bought 16 feet additional of Miles, but had never gotten any deed for it.

That the plaintiff has claimed some interest and control over this disputed strip of land in late years is apparent from the evidence, but it is also clear that it has been used as a public alley, and to a certain extent, at least, recognized by him as such during the same period. By the evidence, that he and his grantees ever had any title to the tract, or was ever the owner of the same.

The records in the recorder's office in Decatur county were destroyed by fire in March, 1874, and it is quite probable that records bearing materially upon the question here in dispute were destroyed at that time. The plat of this addition, which is known as Miles Addition, that is now recognized and used, appears to have been filed in 1878, and by that plat the land which Miles had previously conveyed to Hamilton by metes and bounds is designated, as out-lot 1, and a tract, immediately south of that, and lying between the Hamilton tract and 16th street, is designated as out-lot 2. This plat indicates that out-lot 2 is either 200 or 216 feet wide. One purported copy of the plat, submitted to me by counsel states it at 200, and the other at 216.

It is contended by the city that Miles platted his addition by another and different plat prior to the plat of 1878, and between the time he made his deed to plaintiff, and October, 1875, and I think this contention is borne out by the evidence. In October, 1875, Miles conveyed to William Morgan Hart the following, among other property:

"Blocks 4 and 5, with the space

EIGHTH GRADE COMMENCEMENT.

Was Held at the M. E. Church Friday Afternoon, 108 Pupils Receiving Diplomas.

The eighth grade commencement exercises of the common schools of Decatur county were held at the M. E. church in this city last Friday afternoon, and nearly all of the pupils entitled to their diplomas were in attendance, but not many parents were able to come on account of work in the harvest fields.

There were 108 pupils who were granted diplomas as having completed the eighth grade course, 60 of them from the rural schools of the county, and 48 from the town schools.

The following is a list of those who received their diplomas: Abigail Alexander, Eliza Jones, Evalyn Allpress, Maybelle Jubb, Olin Ashby, Hattie Johnson, Margaret Aten, Orah Johnston, Merle Boyd, Fern Kendall, Ellett Bracewell, Willie Kendall, Martin Biddison, Vivian Latta, Hattie Boatman, Glen LaFollette, Temple Brown, Hildred McClaran, Martha Brammer, Ida Mae McKern, Wayne Brantwell, Fay E. Marshall, Earl Barrett, Inez Marshall, Anna Bunch, Dena McCleary, Orville Boyce, Ethel Moore, Maggie Bolon, Orrin Moon, Della Brown, Ora Miller, Roy Bryant, Ethel Merrifield, Roy Bremer, Ruth McDowell, Mary Beavers, Frank Matteson, Edna L. Biggs, Clifford Mitchell, Ralph Biggs, Clara McHarness, David Cozad, Virgil Norman, Kate Cole, Carmen Osborn, Goldean Chastain, Wallace O'Neil, Lottie Doolittle, Maurine Penniwell, Ella Doolittle, Inez Piercy, Delana Davis, Willard Piercy, May E. Evans, Lucille Post, Dillon Frost, Vern Palmer, Arthur Pierce, Juanita Pease, Willie B. Fox, Himena Russell, Verna Fisher, Ray Robertson, Emmet Greenland, Goldie Roe, Arthur Gardner, Mildred Simmons, Forest Grimes, Maggie Sturdevant, Helen Gammitt, Grace Sturdevant, Mabel J. Garber, Grace Standifer, Maude Gunter, Opal Stuteville, Lawson Gray, Verna Sires, Harry Gillham, Dwight Smith, Walter Griffin, Celia Shular, Mary Gibler, Verne Stoner, Jay Horney, Mabel Smith, Marie Horney, Irving Smith, Ruby Hart, Louis Sage, Freda Hill, Ralph Sage, Raymond Hazel, Paul Swape, Chalk Hillinger, Virgil Snow, Gladys Woodley, Bertha Thompson, Norborne Harris, Cleo Tripp, Iola Hicks, Leo Williams, Melvin Irving, Letha Wadley, Glen Ivins, Margaret Warranrer, Mary Jones, Dwight Zimmerman.

Overrules Motion for New Trial, But Cuts Damages from \$5,000 to \$3,000.

Judge Maxwell has passed upon the motion of defendants for a new trial in the case of Marion Woodard, administrator, vs. Herald Publishing Co., et al., which was tried at the March term of the district court, in which plaintiff brought suit for \$10,000 damages for the death of W. W. Johnson who was killed by taking hold of an electric light wire at the ice plant at Lamoni owned by the Herald Publishing Co., in which the jury returned a verdict against defendants in the sum of \$5,000.

The court overrules the motion for a new trial but also rules that the plaintiff must submit to a reduction of damages from \$5,000 to \$3,000 within ten days or a new trial will be granted, saying in the opinion that the deceased was a common laborer, 48 years of age, and that his natural expectancy of life would have been 22 years, and regards the verdict of the jury as excessive in amount. The plaintiff has ten days from the filing of the opinion in which to accept or reject the cut of \$2,000, and in case he refuses to accept the cut, then the defendants will be granted a new trial. It is probable that the plaintiff will accept, but we understand the defendant will appeal the case to the supreme court.

Circus Comes to Leon Next Tuesday.

Leon is going to have a circus after all. The advance crew of the Barton & Bailey Shows were in Leon yesterday billing Leon for next Tuesday, August 24th. When they learned that the Yankee Robinson show had changed from Leon to Davis City, they immediately made a long jump to get a date at Leon. It is a good railroad show which showed at Osceola and other towns in this vicinity early in the season and they will attract a large crowd when they show in Leon.

For Sale.

Tailor shop and pantorium in a good location in a business town of 1800 inhabitants. Must sell at once. Will sell at a bargain. For information write Chas. M. McCue, Cainesville, Mo.

Remember Barton & Bailey's big circus shows at Leon on next Tuesday, August 24th.

MURDER AND SUICIDE

S. Snowden of Leroy Kills a Horse Collector near Humeston and Hung Himself at Corydon.

A. L. Wertz, a collector for A. B. Holbert, an importer of horses at Greeley, Iowa, was shot and killed by Simeon Snowden, a well known resident of Leroy, in the road near the Elmer Richman farm house 3 1/2 miles northwest of Humeston about noon last Friday, and after being arrested charged with the murder and taken to the Wayne county jail at Corydon, Mr. Snowden committed suicide Monday morning by hanging himself with a small rope cord in his cell, his dead body being found when sheriff A. J. Surbaugh took his breakfast to him.

Mr. Snowden, who was 73 years of age, had been a resident of Decatur county for a number of years, having lived on a farm southeast of Garden Grove for several years, but moved to Leroy a few years ago where he kept a number of horses and jacks.

The murdered man was 62 years of age, and was an unusually large man, weighing 375 pounds. He arrived in Leroy Thursday evening, having been sent there to collect three notes given by Snowden on April 16, 1913, in part payment for a stallion, one of the notes being for \$450.00 and two notes for \$400.00 each. It seems that Mr. Snowden was in rather a strained financial condition, and was unable to pay the notes, and Friday morning the two men left Leroy in Snowden's single buggy to visit several farmers who owned Mr. Snowden's horse and try to collect a part of the money. They first visited the farm of William Hanson and after leaving there drove toward Humeston. Several farmers saw the buggy pass their farms, the unusual size of Mr. Wertz attracting their attention. Mrs. Roy Barnett saw the buggy going east, and in a short time noticed the buggy returning with only Mr. Snowden in it.

About 1 o'clock Mrs. Roy Barnett and three little daughters started to the home of her parents, Mr. and Mrs. James Richman, and were frightened when they came upon the body of Mr. Wertz, sitting by the side of the road in a slightly upright position, his face covered with blood from a pistol wound in his forehead. Two large envelopes containing notes and checks amounting to about \$1300 were found on his arm, partly covered by his hat, while his suitcase was on the ground nearby. Mrs. Barnett immediately notified her husband who was working in the harvest field nearby, and he was the first man to arrive, but was soon joined by a number of neighbors whom he notified over the phone. Coroner C. C. Hutchinson who resides at Humeston was notified and he arrived at the scene of the murder at 1:45 and took charge of the body.

Suspicion was at once fastened upon Snowden and deputy sheriff H. E. Morrett, county attorney H. F. Garrett and constable O. W. Stevens went to Leroy in search of Snowden. Snowden was found a couple of miles from Leroy driving in a cart and said he was on his way to consult a friend. He told the officers that when he was tired of riding in the buggy and that he could return to the farm and he would wait by the roadside until an auto came along and would catch a ride into town. An examination of Snowden's buggy in which the men had ridden, showed the cloth cushion was saturated with blood, and an attempt had been made to wash the blood from the cushion and buggy, but when Ben Rushing rubbed a clean handkerchief over the cushion it showed blood on it. When Snowden was searched the three notes given to Holbert by Snowden were found in his pocket, having been marked "Paid" across the face of them with a lead pencil.

Coroner Hutchinson held an inquest Friday evening and the jury composed of A. D. McCulloch, N. J. Kipper and H. M. Hart returned the following verdict:

"The said jurors upon their oath do say that we do find that the said deceased came to his death about 12 o'clock noon on August 13, 1915, by a bullet wound inflicted feloniously, and we further do find that he did come to his death feloniously and that a crime has been committed on the deceased, and that S. Snowden is the name of the person whom the jury believe has committed it."

From the tracks of the horse and buggy the belief is held by those who visited the scene of the crime that Wertz was shot as they were crossing a bridge, with the idea of dumping his body into the stream, but that the horse became frightened at the shots and started to run up the hill. When the top of the hill was reached Snowden drove to one side of the road and tumbled out the body and secured his notes. The tracks showed he drove on east a short distance, and then had turned around in the road and driven back west.

Snowden appeared to be calm and self possessed when placed under arrest, and was taken to Corydon and placed in jail. Saturday forenoon he was in good spirits and talked and laughed with several parties who called to see him, but towards evening he became very nervous and finally broke down and confessed that he had shot Wertz in order to secure the notes which he held against him, the confession following an interview with the sheriff, the county attorney, and Mr. Holbert, who came to Corydon upon receiving notice that Wertz had been murdered.

The confession which he signed was as follows: "I hereby certify that I killed Mr. Wertz northwest of Humeston, Iowa, yesterday, a little before noon, by shooting him with a revolver. We had had a little quarrel. I took the notes from him and marked them 'Paid.' I make this statement voluntarily and no threats or promises have been made to me. S. Snowden."

The body of Mr. Wertz was taken to Hutchinson & Sons' undertaking parlors at Humeston and prepared for burial, being shipped to Grand Junction, Iowa, Sunday afternoon, where a brother resides. The deceased had been divorced from his wife and is survived by two children, two sisters and a brother.

The last chapter of the sad tragedy came Sunday night or early Monday morning. Snowden was convinced that his life was ruined and that nothing remained for him but torment and misery. He sat down upon his cot and wrote in fairly legible hand and in good English his obituary, giving his birth, his marriage, the date of the birth of his children, the death of his wife and his second marriage. He told of his coming to this country. Then it ended abruptly without mentioning the end. He also wrote a note to his son, saying he had borrowed \$85 from his beloved wife and asked his son to collect that amount and hand to her as she needed it. There is believed to be more than that amount on his books.

In these notes there is no reference to his murder of Wertz, his confession or his contemplated suicide. He laid the notes in his hat on the couch and then hung himself with a small piece of sheep rope tied about his neck and over a gas pipe in the jail. His feet were less than two inches from the floor, so it is seen that he must have exercised great nerve and will power to keep from touching the floor with his toes and relieving the pressure on his neck.

Mr. Holbert, in whose employ Wertz had been for ten years, said he was the best collector he ever had, being a man who was able to make collections without offending anyone, a jolly good fellow who never got out of humor or had trouble with any person.

Mr. Snowden leave a wife, three daughters and a son, and was a man who enjoyed a good reputation. He was a church member and active in the church work. He had become involved in financial difficulties at several times, and the supposition is that becoming desperate over his inability to pay his notes he had decided to shoot Wertz and thus secure the evidence of debt which he held. His wife and children are fine people and have the sympathy of many friends in this county in their terrible sorrow.

Died Far From Home.

John Makis, a Greek 23 years of age, employed on Tom Epperley's season gang, died in the bunk car at the Burlington depot last Sunday. He had been ailing for some time, his death being caused from ulcer of the stomach, but he worked up to Saturday evening. Sunday morning he was very sick and arrangements were made to take him to the Leon hospital, but he died before he could be taken there. But little is known about the man except that he was born in Greece, where he has a wife. He had come to America twice, going back after coming to this country to serve in the army during the Balkan war.

Funeral services were held at F. S. Stewart's undertaking parlors on Monday, a number of Leon ladies providing flowers for his casket, and appropriate music was played on the Victoria, and Rev. G. T. Ronk conducted the funeral services, which were attended by his fellow countrymen in this city. At the grave Rev. Ronk had a Greek testament from which he was reading, and came across a word which he asked one of the Greeks employed on the section to tell him what it was, when to the surprise of those in attendance the man took the testament, and read several chapters fluently, showing he was well educated.

Although far from his native home in a land of strangers the dead man received a christian burial. It is thought he had no relatives in this country.

"The Goddess" Will be Shown Friday Night.

On account of the Davis City reunion and the circuses at Davis City and Chariton today, the management of the Idle Hour theatre have changed the date for the showing of the fourth instalment of the new serial, "The Goddess," to Friday night, so that those who attend the other attractions today will not miss any of the story. The usual matinee will be given Friday afternoon, and the first show in the evening starts at 7 o'clock.

Surprised W. W. Gammon.

Last Saturday was W. W. Gammon's 50th birthday, and Mrs. Gammon worked up a surprise party on him. Morris Gardner invited Mr. Gammon to take an auto ride with him and when they returned home he found 55 of his lodge and church friends assembled to greet him, and he was sure surprised. Refreshments were served and everybody spent a pleasant evening. Mr. Gammon being presented with a fine rocking chair which will serve as a remembrance of the happy occasion.

Next Tuesday is circus day in Leon, the big Barton & Bailey circus showing in this city on that day.

TWENTYFIVE YEARS AGO

Items Taken from the Files of The Reporter Published a Quarter of a Century Ago.

Mrs. Frank Shields, of near Grand River, died Saturday night and was buried on Sunday at the Young cemetery near Grand River.

The "Q" depot was broken into last Saturday, while the agent and employees were at dinner. The money drawer was tapped and about six dollars secured. A tramp who was around Leon for a couple of weeks, with a white dog, had been loafing around the depot and disappeared from town the same day, so it looks very much as if he was the guilty party.

Four boys were brought before Squire Bullock Monday for stealing watermelons from Henry Bright's patch. They were fined \$11.75 each and sent to jail for three days. Another boy was arrested Tuesday morning and placed in jail, and we understand there are warrants out for eight or ten more, some of whom have left town. Under the new law these boys are liable to go to the penitentiary the next time, even if it is only for stealing a watermelon or anything else.

At the Keokuk races last week the Leon horses carried away first money in the two best races, Deacon winning three straight heats in the 2:35 pace, making a record of 2:26 1/2, and winning very easily. In the three year old pace J. Hoffines' colt Blue Sign, won in three straight heats, best time 2:39 1/2. The Keokuk papers say that one of the prettiest exhibitions of speed ever shown on the track was that by Blue Sign. In the third heat at the first turn he was fouled by another horse and broke, and at the half he was almost a quarter of a mile behind, but by a surprising burst of speed he passed one horse after another and won the heat and race. The horses are at Ottumwa this week.

We see by the Weldon Hornet that S. O. Hington has sold his farm of 813 acres, three miles south of Weldon, to a party of Englishmen for \$30 per acre, receiving \$3,000 in cash, and the balance to be paid by March 1, 1911. The Englishmen will use it for a stock ranch.

Mrs. Bertha McVay, wife of attorney J. H. McVay, died at her home in Leon on August 18th, at the age of 23 years.

Judge W. W. Ellis died at his home in Leon on August 12th. He came to Leon in 1853, and was one of the founders of the Leon Christian church. He was county judge in 1862 and 1863, and county recorder in 1866.

John William Artt died at his home in Leon on August 15th at the age of 46 years. He resided for many years on a farm in Eden township, and in recent years had been engaged in the grocery business in Leon with J. B. Newlin.

L. W. Forgrave came up from St. Joe last week to arrange to move his family to that city, where he is employed, and where his son Harry will attend school the coming year.

William Perdew who lived in Decatur county years ago, but now working on the Keokuk Constitution-Democrat, is visiting his brother Nathan Perdew, in this city.

Mrs. Horace Farquhar returned from Indianapolis Saturday with her little boy, who is greatly improved.

Mr. Fred Teale and Miss Gene Sankey came down from Weldon and spent Sunday at the home of her parents in this city.

Sam Lorey returned from Seattle, Washington, Tuesday, where he has been working at his trade for several years.

Baby Show Drove Well.

The Idle Hour theatre did a big business Tuesday night, the house being packed to capacity at each performance. In addition to the regular program there was a special baby photoplay. A traveling photographer had been here for several days taking outdoor pictures of babies and children in this city, and more than a hundred pictures of the babies and little folks were shown on the big screen, and everybody was pleased with the baby show. Who would have thought there were so many babies in Leon, and such good looking ones.

Mrs. Hale Doing Nicely.

Mrs. Anna Hale, who was terribly burned when her house was destroyed by fire two weeks ago tomorrow, is getting along in fine shape at the Leon hospital. The burns on her face and arms have healed and were not deep enough to leave any scars. The burns on her limbs were deeper, and she has suffered much pain, but is now greatly improved and is doing as well as could be expected.

Used Thumb Mark on Deed.

Auditor Walter Osborn had quite a curiosity at his office the past week in the shape of a quit-claim deed filed for record in which Cyrus and Elizabeth Jacobs, which Cyrus and Elizabeth Jacobs, their title to a lot in Davis City to Mrs. Nora I. Osborn. Mrs. Jacobs was unable to write her name, so made her mark in the usual manner and also attached her thumb imprint in ink which was duly attested by a notary public.

Leon Horse Won at Shenandoah Fair.

G. W. Spicer's brown mare, Bessie Davis, who two races at the Shenandoah fair last week, finishing second in the four and a half furlongs dash, and first in the three-fourths mile dash.

RUBE MILLER IS SOME CIRCUS CLOWN.

He Makes His Hit by His Jokes with Crowd—See Him at Leon on Tuesday, August 24th.

Rube Miller is the producing clown of the Barton & Bailey's World Celebrated Shows, which shows at Leon after noon and night Tuesday, August 24th. Rube certainly has his troubles and his enjoyments, too.

When the parade comes along the streets at noon, Tuesday, August 24, you will see Rube seated on a little burro right behind the first band wagon. This is where Rube has his happiness.

He is a big, long, lank Yankee, and naturally the crowd always kids Rube for riding this little animal. But when it comes to joshing Rube is as high as that. One of the recent towns which the show played had enough children in it to make Teddy Roosevelt think that race suicide had totally been extinguished. Every man on the line of parade was holding a baby. In one great big fellow, with a baby in his arms, cracked at Rube when he saw him riding by: "Say, why don't you get off and carry the little mule?" Rube shot right back: "I see that you are holding your own." The native replied, "Yes, but where is yours?" Rube said he was sitting on his.

Just about that time the little burro commenced to bray and Rube immediately pulled out a nursing bottle and the burro, trained to the minute, quickly grasped the bottle and imbibed its contents. Then Rube shouted back at the resident, "Say, I bet that I am more thoughtful than you are. You forgot to bring your bottle, but I always carry mine." All Rube got from the spectators was silence.

Is It Fair?

Every year the Leon school board, as well as the school board in a good many other Iowa towns, find themselves up against a hard proposition after having elected and contracted with their corps of teachers for the coming year, when a week or so before school opens one or more teachers will notify them that they will not be on hand at the opening of school, having accepted another position. Is this fair? We don't believe it is. Having made application for the position, the teacher signs a contract to teach and they expect to hold the board to their contract and rely upon having the position. But they seem to think it is alright for them to jump their contract and leave the board with a vacancy to fill after most of the good teachers have secured positions, and the result is that the board has to take about anyone they can get. A contract should be equally binding on the board and the teacher, and there should be some way devised to hold a teacher who has contracted to teach, just as a professional baseball player who contracts to play with a certain team must play with that team, no other team being allowed to hire him.

County Gets \$11,072 as Auto Tax Money This Year.

County treasurer Elba Shewmaker has received the second installment of the automobile license tax money due Decatur county, the draft being for \$4,320. Earlier in the year he received the first installment of \$6,752, making the total received this year \$11,072, as against \$7,802.88 last year, an increase of \$3,269.12.

All the license tax money collected for automobiles from August 1st for the rest of this year will go into the distribution to counties next spring.

Treasurer Shewmaker is working out the amount of money to be paid to each of the incorporated towns of the county from this fund, the basis of the distribution being the mileage of unpaved streets in the towns, but the law provides that not more than ten per cent of the total amount received from the state shall be distributed among the towns. This is the first time that the towns will receive any of the auto tax money, the law which provides for it having gone into effect July 4th.

Won One and Lost One.

The Leon ball team won a game and lost one the past week. Last Friday they defeated the Grand River aggregation at the Grand River reunion by a score of 4 to 2, and on Sunday Leon was defeated by Humeston on the Humeston grounds, the score being 8 to 4. The Leon team has played fourteen games this season, winning ten and losing but four games. They are scheduled to play Davis City at the Davis City reunion today.

It's a Big Boy at Floyd Cozad's.

Deputy auditor Floyd St. Cozad has been working nights lately getting his work in shape in anticipation of having a week of pleasure this week attending the Davis City reunion, the circus and base ball games, but there's nothing doing in this line since a bouncing boy arrived at his home Tuesday night, and Floyd is practicing looking dignified as becomes a father instead of being one of the boys having a good time.

Decatur Chautauqua Is On.

The Decatur Chautauqua opened yesterday for a six day session, the attractions being furnished by the Jones Chautauqua System, and they have good attractions for each of the six days.

Marriage Licenses.

Herman Tiedje, Van Wert 22
Lela Chanton, Van Wert 18