

# CHARITON COURIER

C. P. VANDIVER, EDITOR AND PROPRIETOR

KEYTESVILLE, MISSOURI

## CIRCUIT COURT PROCEEDINGS.

Regular May, 1909. Term at Keytesville.

The circuit court of Chariton county met Monday, May 3, 1909, with the following officers present, to-wit:

Hon. John P. Butler, judge; J. E. Montgomery, prosecuting attorney; A. N. Harding, sheriff; Miss Grace Morris, stenographer, and W. L. Wright, clerk.

Court was opened in due form by public proclamation by Sheriff A. N. Harding, and he, as sheriff, and Chas. Parker and S. Patnot, as deputies, were sworn to summon jurors and execute other process returnable at this term of court.

Twelve of the 24 members of the regular petit jury were either absent on account of sickness or were excused from service, viz: Henry Schulte, C. M. Lester, A. A. Kennedy, C. H. Whittall, Wm. Bitter, J. W. Robertson, Ollie Nickerson, John B. Hayes, Wm. Shaughnessy, David Henderson, C. K. Mauzey and W. M. Brockman.

The original members serving on the petit jury are: John Noll, Carl Kuhlman, W. O. Patterson, F. A. Fox, B. H. Kemper, Jas. W. Stobaugh, C. S. Dameron, J. D. Cunningham, J. H. Steinbeck, Harrison Fox, Wm. Koch, Sr., and B. C. Hoyle.

The panel was filled by Sheriff Harding by summoning W. H. Poland, W. J. Dye, C. A. Clark, B. R. Collet, John Myers, Jr., R. P. Hubbard, Amos Daugherty, W. N. Hamilton, D. G. Cupp, George T. Johnson, E. B. Welch and J. N. Hayward.

The judge's records show the following deposition of causes up to yesterday at noon.

### CIVIL CASES.

Eddie Vincent et al vs. Orval Vincent et al, partition; Henry Vincent charged with \$140 to be deducted from his share and distributed among the others; sheriff ordered to pay L. E. Kenyon the sum of \$343.43 out of proceeds of sale by reason of deed of trust on land partitioned; sheriff's report of sale approved, and deed ordered made to purchaser; Lozier, Morris & Atwood allowed attorneys' fee of \$200 to be taxed as costs; sheriff ordered to pay costs and make distribution.

Hiram Wallace vs. Robt. M. Gandy et al, debt—appeal; continued by agreement.

Curtis Cook et al vs. W. D. Cook et al, partition; sheriff's report of sale approved, and deed ordered made to purchaser; S. S. Dunham allowed an attorney's fee of \$300 to be taxed as costs; sheriff ordered to pay costs and make distribution.

Fred Nichols vs. Pearl Nichols, divorce; trial by court; plaintiff divorced and adjudged to pay costs.

Riley Smith vs. Rosa Smith, divorce; defendant, by leave files answer and cross-bill; plaintiff's petition dismissed; trial by court on defendant's cross-bill, defendant divorced and awarded the care and custody of minor children, Riley B. and Johnnie M. Smith; plaintiff adjudged to pay defendant \$1,500 alimony.

Emma Price et al vs. Louis Benecke, administrator estate of Price & Benecke, suit on final settlement—appeal from probate court; plaintiff has leave to file exceptions to plaintiff's settlement on or before August 1, 1909, and cause continued.

Anthony Gangloff vs. T. B. Hampton, ejectment; judgment for plaintiff as per written stipulation filed.

Bertha Thurman vs. Grover Cleveland Thurman, divorce; continued.

Anna Niederholtmeyer vs. George Engel, damages; nonsuit.

C. M. Hopper vs. C. F. Jack-

son, attachment; costs paid, and suit ordered dismissed by plaintiff.

Mollie E. Cowser vs. Daniel E. Long et al, suit to quiet title; continued.

Geo. J. Allen et al vs. Conrad O. Burgener, mandate from Kansas City court of appeals dismissing appeal, entered of record.

Wm. E. Hill vs. J. A. Stender, same; same.

Atterbury & Nichols vs. J. A. Collet, same; same.

Theodore Persyn vs. Susie Dobbins et al, same; same.

M. H. Holderman vs. Orton Chinn, debt—appeal; compromised and dismissed.

Celia Elizabeth Shouse vs. Benjamin F. Shouse, divorce; nonsuit.

Eleanor Bondurant vs. William Edward Williams et al, suit to quiet title; trial by court; title decreed, quieted and vested according to the prayer of the petition; deeds of trust cancelled and annulled; plaintiff to pay costs.

N. L. Steiner vs. Mary Walker, ejectment; jury waived; trial by the court; judgment for possession of premises sued for, and for one cent damages; execution to issue.

Ida E. Allin vs. John C. Coleman, debt—appeal; judgment and costs paid, and suit ordered dismissed.

### CRIMINAL CASES.

State of Missouri vs. T. M. Bentley, parole; parole continued.

State of Missouri vs. Jas. Kendall, parole; parole continued.

State of Missouri vs. Albert and Jesse A. Adcox, conspiracy and arson; defendants separately and severally waive formal arraignment and plead not guilty; cause continued on application of and at cost of state, and defendants' bonds are severally fixed at \$700, each; bond furnished by each defendant in said sum with John D. Stoner, Linville Sharp and L. A. Martin as securities. The two defendants are charged with conspiracy and burning I. N. Long's stock barn, about half way between Mendon and Sumner, in March, 1908.

State of Missouri vs. Wm. A. Adcox, obtaining money under false pretenses; defendant, by leave of prosecuting attorney, is permitted to waive formal arraignment and plead guilty to obtaining money under and by color of false pretense, and his punishment is fixed at imprisonment in the county jail for a period of one year. Wm. A. Adcox is the man who procured the endorsement of Leonard Lentz of Brunswick to a check, signed by Adcox, on the Peoples bank at Triplett, where he had no money on deposit. Adcox cashed the check at the Chariton County Exchange bank in Brunswick on or about March 30, 1909.

The several cases of the state against Thos. Karoher, R. Huber, John Mode and Dr. T. J. Aving, all of Salisbury, for selling whiskey illegally, were continued on the separate applications of and at the cost of defendants because of the absence of John D. Taylor, an attorney for defendants, who is a member of the legislature. The defendants all pleaded not guilty and gave bond for their appearance at the next November term of circuit court. Karoher's bond was fixed at \$2,700, Huber's at \$1,200, Mode's at \$2,100 and Dr. Banning's at \$600. Karoher's bondsmen are John Mode, J. P. Hayward and Chas. Ibee; Huber's, John Mode and Thos. Karoher; Mode's, J. P. Hayward, Chas. Ibee and Thos. Karoher; Dr. Banning's, J. P. Hayward and Thos. Karoher.

State of Missouri against Thos. Karoher and Chas. Palmer, cases 1, 2 and 3, keeping gaming device; defendant's waive formal arraignment and plead not guilty; continued on application of and at the cost of defendants because of the absence of John

D. Taylor, one of their attorneys, who is a member of the legislature. Bond fixed at \$1,200 and given with J. P. Hayward and John Mode as securities.

State of Missouri vs. Paul Conrad and L. J. Roden, disturbing the peace—appeal; defendants separately and severally waive formal arraignment and plead not guilty; at the conclusion of the evidence in this case the jury, under an instruction from the court, returned a verdict of not guilty. Conrad and Roden were charged with disturbing the peace by quarreling, challenging and fighting at Prairie Hill March 30, 1909, the day of the township election in that (Wayland) township. They were convicted in H. J. Naylor's court at Prairie Hill and fined \$1 and costs. They appealed to the circuit court with the above result.

State of Missouri vs. J. F. Rolling et al, disturbing the peace; nolle prosequi as to J. F. Rolling, Peter Vitt and Evo Olivette; defendants Chas. Shives and Ben Ott plead guilty and are fined \$5, each. The defendants in this case were charged with disturbing the peace at "the King meeting" in Salisbury last winter.

State of Missouri vs. J. F. Grinstead, Nos. 1 and 2, selling liquor illegally; nolle prosequi. The defendant is a Keytesville physician and was charged in case No. 1 with selling Alle Drace a half pint of whiskey for 35 cts on or about April 24, 1908, and in case No. 2 with selling Wilson Sweargin a pint of liquor for 75 cts. February 16, 1909.

State of Missouri vs. Wm. Reedy, disturbing the peace; defendant waives formal arraignment and pleads not guilty; trial by a jury, who are unable to agree, and are discharged; trial by the court, defendant found guilty and is sentenced to five days in the county jail. Reedy is the young man who, in connection with one W. W. Browning, now a fugitive from justice, disturbed the peace of Dr. M. B. Austin at Brunswick on or about the 19th day of March, 1909, by quarrelling, challenging and threatening to fight.

State of Missouri vs. L. C. Bowman, obstructing public ditch; nolle prosequi. Mr. Bowman was charged with obstructing a public ditch in Cunningham township.

State of Missouri vs. Clarence Switzer, forgery; defendant waives formal arraignment and pleads guilty, and on such plea of guilty is sentenced to the penitentiary for two years; defendant paroled conditionally; parole bond fixed at \$300; bond given in said sum with E. Thompson, W. S. Robinson, Frank Pieron and Will Heisel as securities; defendant is discharged. Clarence Switzer is the young man from up about Brunswick who forged the name of M. Hardy of near Brunswick to a check for \$40 on the Farmers bank of Triplett and cashed it at the Mendon State bank February 27, 1909.

State of Missouri vs. C. W. Hale, obtaining money under false pretenses; continued on application of and at the cost of defendant; bond fixed at \$500 and given in that sum with Russel Kneisley as security. Mr. Hale hails from Salisbury and stands charged with obtaining \$37 from Wm. Jackson of Salisbury on a horse of which Hale was not the rightful owner.

State of Missouri vs. W. D. Cox, obtaining money under false pretenses; dismissed by agreement at defendant's costs. This is the case in which the defendant, who lives near Salisbury, was charged with collecting \$12 insurance on a bull, claiming that the animal had been killed by lightning April 22, 1908, from the Farmers' Mutual Fire Insurance Co. of Chariton County.

State of Missouri vs. W. D. Cox, felonious assault; dismissed by agreement at defendant's costs. This is the case in which Mr. Cox was charged with felon-

ious assault with a knife on his wife October 26, 1908.

State of Missouri vs. Millard Addis, assault with intent to kill; dismissed by agreement at defendant's costs. Addis is the Clark township young man who shot M. G. Colyer, near Westville, the 19th day of February, 1909.

State of Missouri vs. M. G. Colyer, assault with intent to kill; dismissed by agreement at defendant's costs. M. G. Colyer is also a resident of Clark township and shot W. L. Addis, Millard Addis' father, near Westville, the 19th day of February, 1909, as a result of the bad blood between the two families.

State of Missouri vs. Wm. Kuhler, Jr., maliciously poisoning cattle—parole; parole continued until November term at which time defendant is again required to appear.

State of Missouri vs. J. E. Moore, assault; defendant pleads guilty and is fined \$10. The defendant in this case assaulted J. D. Cunningham in voting precinct of ward No 1 at the Keytesville city election Tuesday, April 6, 1909.

State of Missouri vs. Jas. E. Dempsey, No. 1, selling liquor illegally; defendant waives formal arraignment and pleads not guilty; trial by a jury, who return a verdict of "not guilty." Mr. Dempsey is a druggist at Dean Lake, and in this case was charged with selling Louie Wien, Jr., a half pint of liquor for 35 cts. on or about March 21, 1909. Mr. Wien swore positively that he got the liquor, but the defendant put in evidence a prescription which purported to be a "copy" of a prescription, given by Dr. W. G. Brown of Triplett, for the liquor that Wien bought of Dempsey. The "original prescription" was not in evidence, and Dr. Brown did not know whether the "copy" was a "true copy" or not—in fact, he was not certain whether he had ever given Wien a prescription at all, yet did not he may have done so. On this sort of showing the jury brought in a verdict of "not guilty." The jury was composed of the following parties: A. M. Bowman, Wm. F. Kahler, M. Downey, C. E. Goodyear, Harrison Fox, B. C. Hoyle, John Noll, John N. Hayward, E. A. Robertson, Wm. Heisel, Jacob Hausworth and John Myers, Jr. Judge Butler only allowed 10 minutes on a side for the argument of counsel. Prosecuting Attorney J. E. Montgomery made a three-minute speech, but defendant's attorney declined to argue the case, hence the prosecution had no right to a closing address, and Mr. Montgomery's speech of three minutes was the only one made. The whole thing seemed to be regarded by Judge Butler as a matter of minor importance, but there are many, many people in Chariton county who beg leave to differ from his honor, for there have been no cases in this county in recent years in which as wide interest is taken as the liquor prosecutions under the local option law.

State of Missouri vs. H. Piper, carrying concealed weapons; prosecution dismisses as to charge of carrying concealed weapons; defendant pleads guilty to disturbing the peace and is fined \$10. The defendant in this case and L. M. Moore of Indian Grove got into a quarrel over a dime and Piper's angry passions arose to such an extent that he drew a pistol on Moore.

### Lumber For Sale.

I have moved my sawmill 3-4 of a mile east of Mike and have all kinds of native lumber on hand including dimension timbers for houses and barns, scale frames, fence post, bridge and wagon timbers.

S. B. HEDRICK.

Leave your orders for hot rolls at the Home bakery. Baked every day.

# FREE PRIZES

ON

## Saturday, May 15, 1909.

WE GIVE TO OUR PATRONS THE FOLLOWING PRIZES IN OUR USUAL WAY.



**FIRST PRIZE.**  
A fine Sleepy Hollow Rocker, mahogany finish, width two feet and three inches, height three feet and two inches, diamond tufted throughout; upholstered in very best genuine leather. Retail price, \$25.

**SECOND PRIZE.**  
Fancy hand-painted fruit plate.

**THIRD PRIZE.**  
Fancy hand-painted salad bowl.

We will serve hot coffee, cookies and other refreshments free all day. You are invited to make our store your headquarters at all times when in Mendon.

The winners in our last contest were:—FIRST, MRS. JOHN MCKEE; SECOND, MRS. LOUIE HEMINGHAUSEN; THIRD, MRS. GRIFFISS.

### CHAMBERS BROS. & OWSLEY MENDON, MO



## Its quicker-better by the "KATY" TO TEXAS

### ABLE TO ENDURE MUCH COLD.

Some Microbes Are Killed Only by 256 Degrees Below Zero.

The extremes of heat and cold at which life can exist have much greater range than would be expected. For some animals the greatest heat that can be endured is 105 degrees, while life, as we commonly understand it, cannot endure beyond 130 degrees, at which temperature albumen coagulates.

But there are certain forms of life that can stand much more heat. Some mollusks are not incommode until 120 degrees is reached, while the larvae of flies will endure 156 degrees, and certain kinds of worms are not killed until a temperature of 178 degrees is reached.

As to cold, it might almost be said that no cold is great enough to destroy all traces of life; certainly no natural cold is great enough; it is only by the extreme cold produced by artificial means that all life is ended.

For frogs the limit is 18 below zero, for myriapods 58 below, for snails 184 below, a greater cold than is produced by nature.

But the greatest cold registers are the bacteria. The germs of the plague have kept their vitality for several months in a temperature of 24 below; those of diphtheria have remained alive after being immersed for an hour in a refrigerating solution at 76 below.

The greatest cold sustained is by the germs of tuberculosis, which are not affected by 148 below, and succumb only to cold represented by 256 below zero.

### MONARCHY'S HOLD ON NATIONS.

Republican Movement Practically Extinct in Europe.

Nothing is more remarkable in the last quarter of a century than the revival of monarchy. There was once a strong republican movement in England. It is extinct. In Italy republicanism was a religion. It is now merely the shibboleth of a party. Spain tried a republic and abandoned it. The simultaneous assassination of the king and crown prince of Portugal consolidated instead of shattering the dynasty. When the most republican of northern nations severed its connection with the Swedish crown, the Norwegians immediately created a new monarchy. Not even the influence of

### Italian Revenge.

This is a story of Italian revenge. A vendor of plaster statuettes saw a chance for a sale in a well-dressed, bibulous man who was tacking down the street.

"You buy-a de statuette?" he asked, alluringly holding out his choicest offering. "Gar-ri-baldi—I sell-a him verra cheap. De g-re-at-a Gar-ri-baldi—only thirta cents!"

"Oh, tell with Garibaldi," said the bibulous one, making a swipe with his arm that sent Garibaldi crashing to the sidewalk.

For a moment the Italian regarded the fragments. Then, his eyes flashing fire, he seized from his stock a statuette of George Washington. "You tell-a with my Gar-ri-baldi?" he hissed between his teeth. "So." He raised the immortal George high above his head and—crash! it flew into fragments alongside of the ill-fated Garibaldi. "Ha! I to hell-a wid you! George Wash! Ha, ha!"—Everybody's Magazine.

### Brief Wills.

Ten lines on a scrap of paper were sufficient to dispose of the immense fortune of the late Mr. Henry Barnato. The will was not the shortest on record, but it ran the record close. Probably the briefest testament was that of a Streatham (Eng.) gentleman who had often declared that he would make his will on a half-sheet of note-paper. Probably he had Balfourian leanings in politics. He did as he had said, and wrote "All for mother" on a bit of paper. The will was signed "C. T." and witnessed by the testator's two sons. The document was admitted to probate in due course.