

Miscellaneous Record, No. 23, Madison County, Iowa

Subscribed in my presence and sworn to before me by the said William S. ...

Marion S. Moore et al #6290 Filed for record the 22 day of November
To Fee \$1.00 ✓ A.D. 1940 at 3:45 o'clock P.M.
The Public Pearl E. Shetterly, Recorder

A F F I D A V I T

MARION S. MOORE and ED M. SMITH to THE PUBLIC.

STATE OF IOWA MADISON COUNTY)ss:

We, Marion S. Moore, and Ed M. Smith, being duly sworn, do each depose and say:

That the undersigned Marion S. Moore is the daughter of the undersigned Ed M. Smith and that both are residents of Winterset, Madison County, Iowa; that since about the month of January, 1926, said Marion S. Moore has been connected with the publication of the newspaper known as The Winterset Madisonian, which has been printed and published in Winterset, Iowa, during all of the period of such publication; that in January, 1926, said Marion S. Moore was the wife of John C. Gorman, and was known by the name of Marion S. Gorman and signed her name as Marion S. Gorman; that subsequent to the death of said John C. Gorman, which occurred in Nov. 14, 1932 said Marion S. Gorman continued to be known as and to sign her name as Marion S. Gorman until her marriage to her present husband, J. C. Moore, Jr., which marriage occurred Sept. 24, 1937,

Miscellaneous Record, No. 23, Madison County, Iowa

and that since said marriage she is known as, and signs her name as Marion S. Moore; that on October 1st, 1932, said Marion S. Gorman signed and swore to before the Clerk of the Madison County, Iowa, District Court, an affidavit of publication in the case of American Trust Company of Davenport, Iowa, plaintiff, vs. Kelvin Hamilton, et al., Defendants, No. 15424 Equity, in Madison County, Iowa, District Court, stating that the notice, a copy of which was annexed to and made part of said affidavit of publication, had been correctly published in said newspaper for the period of four consecutive weeks, the last publication thereof being on the 22nd day of September, 1932. That said affidavit of publication was filed in the office of the Clerk of the District Court of Iowa in and for Madison County, on October 5, 1932; that said affidavit includes the following words: "Marion S. Gorman, being duly sworn, says she is Asst Publ of The Winterset Madisonian, a weekly newspaper of general circulation, published in Winterset, Iowa", that in truth and in fact said Marion S. Gorman was at that time the actual publisher of said newspaper, and was actively and actually engaged in managing the publishing of said newspaper, and was so engaged during the period referred to in said affidavit and had been so engaged since about the month of February, 1928, when said Ed M. Smith, went to Des Moines, Iowa as Secretary of State of Iowa; that after said Ed M. Smith left the office of Secretary of State of Iowa, in December, 1930, he again maintained his residence at Winterset, Iowa, but was not at the office of The Winterset Madisonian regularly, and was absent from Winterset, Iowa, much of the time on long vacations; that from the time said Ed M. Smith went to Des Moines, Iowa, as Secretary of State of Iowa, until long after said 1st day of October, 1932, the said Marion S. Gorman, attended to having publication made of notices which were given to said newspaper for publication checked the files to see whether such publications were made, attended to the making of affidavits of publication of notices which were published in said newspaper, attended to the hiring of employees engaged in the operation of said newspaper business, attended to the payment of the employees and the payment of the other expenses of operation of the business, made the purchases of supplies for said newspaper business, attended to the collection of accounts due for services or advertising or publication of notices in said newspaper and for subscriptions, and attended to keeping up the subscription lists, gathering of news items for said newspaper, determined what matters should be printed in said newspaper and what should not, made contracts with reference to advertising, actively supervised the production of the newspaper each week, and performed all the ordinary work and duties which are ordinarily performed by the publisher of a weekly newspaper; that said Ed M. Smith was the owner of said newspaper business during said period, but said Marion S. Gorman had authority from said Ed. M. Smith to perform all the acts hereinbefore referred to in connection with said newspaper, and said Ed M. Smith relied upon her to perform such acts in connection with the said newspaper; that in using said words indicating that said Marion S. Gorman was assistant publisher of said newspaper, the use of the word "asst.", meaning "assistant", in said affidavit, hereinbefore referred to, was not intended to mean that she was anything other than the actual publisher of said newspaper, and, the use of the word "asst.", meaning "assistant" was used by inadvertence and oversight and without intention to convey the meaning that she was anything other than the actual publisher of said newspaper.

That we have no interest in making this affidavit, except to help in establishing the facts. All of which is true, as we verily believe.

Marion S. Moore
Ed M Smith

Subscribed in my presence and sworn to before me by said Marion S. Moore and Ed M. Smith and each of them, this 22nd day of November, 1940.

(DISTRICT COURT SEAL)

P. E. Rose
CLERK DISTRICT COURT IN and for Madison County,
Deputy Iowa

COMPARED