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Welcome to the Vespasian Warner Public Library District
Podcast.

Civil War veteran Colonel Thomas Snell was often described as eccentric. He was known around DeWitt County for his role in railroad building, real estate investments, and as a stockholder in multiple banks. Along with C.H. Moore and Dr. John Warner, he was one of the three wealthiest men in the county.

Upon his death in 1907, Col. Snell's eccentricities were brought fully into public light when his son Richard Snell contested his will. It was a battle which would last for years and take two trips to the Illinois Supreme Court before it was finally settled.

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Colonel Thomas Snell was reportedly one of those rare pioneers who made their fortune before the Civil War. When the call to duty came, Col. Snell gladly answered, heading up the 107

Illinois Infantry. Of the ten companies in the regiment, six were from DeWitt County and four were from Piatt County. In September of 1862, Col. Snell led his troops into battle, intent on squashing the rebellion even if they had to do it single-handedly.

However, Col. Snell was only a few months into his military career when he was placed under arrest on charges issued by General Boyle, who was in charge of the Union forces in Kentucky. Col. Snell was accused of allowing his men to destroy the property of Kentucky civilians as well as a charge of insubordination. While being held in a military prison, old friends Judge Lawrence Weldon and attorney Leonard Swett heard of his plight and took up the cause of getting him released. To do that, they went to Washington to see their old friend Abe. President Abraham Lincoln, who'd worked with both Judge Weldon and Mr. Swett when he was an attorney riding the Illinois circuit courts and who utilized Mr. Swett as an advisor during his political career and presidency, and who'd also known Col. Snell at one time, issued an order to General Boyle to have Col. Snell released into the custody of Judge Weldon and Mr.

Swett to be escorted back to Illinois. The only stipulation was that Col. Snell had to resign his commission, which he gladly did. As he reasoned, if they weren't going to let him squash this rebellion, why bother going to the war at all?

His short military stint resurfaced at more than just reunions, though. In 1879, he received notice from the war department that he would be held responsible for a discrepancy of \$14,000 short of accounts that were responsible to the quartermaster Captain Lunt, who was also from Clinton. In order to be promoted to quartermaster, Captain Lunt had to give a bond of \$15,000 and Col. Snell became his bondsman. Captain Lunt unfortunately died during the war and his books and safe were lost. The government was now coming to collect on the deficit. In this case, Congressman Adlai E. Stevenson, who would later go on to be Vice President under Grover Cleveland during his second term, intervened on Col. Snell's behalf, introducing and passing a bill in the House of Representatives to relieve him of the obligation.

Col. Snell was no stranger to litigation in regard to finances. He had a case in chancery court against a former business partner by the name of Abner Taylor in order to obtain the final settlement from property they sold in Chicago, which was on the docket for 17 years. It was eventually ruled that Taylor owed Col. Snell over \$76,000 plus interest.

Col. Snell also won a victory against a mortgager by the name of Bourland. In helping out a friend by the name of Gibson, who'd fallen on hard times, Col. Snell signed a promissory note of \$2,100 to help him get his house back. When the property was eventually sold due to missed payment, Col. Snell went to collect his now worthless promissory, as the property had netted a sum that completely covered Gibson's debt. However, Bourland insisted that Col. Snell make good on the note and took him to court over it. In the first two trials, the circuit court ruled in favor of Col. Snell, but the Supreme Court reversed the decision and sent it back down to the circuit courts. The third time Col. Snell received the same verdict in his favor seemed to be the charm.

And Col. Snell seemed to be charmed when it came to money as well. In addition to railroad building, his real estate ventures were quite successful. He owned a lot of farmland, much of which he rented out. He also owned the land on which the town of Weldon would eventually be built. He and co-owner Simeon Lisenby platted the town and named it for their good friend Judge Weldon.

He also founded the DeWitt County National Bank. His oldest son James Thornton was president of the bank for twenty years and his younger son Richard would eventually take over for his brother.

Perhaps the most unusual way that Col. Snell enriched himself was through gambling on elections. He'd made friends with Amos Babcock, one of the most accurate election forecasters of the time. He'd wait until he got word from him and then place his bets. It's said that he won around \$100,000 this way.

Despite his material wealth and courtroom victories, Col. Snell still experienced heavy loss in his life. His wife died in 1878. In 1893, son Welby died followed by James Thornton three years later. It was after his oldest son's death that Col. Snell moved in with his daughter-in-law in Bloomington, where he would ultimately suffer the stroke that claimed his life at 88 years old.

At the time of Col. Thomas Snell's death in 1907, Richard was his only surviving son and it would seem that he would be due to inherit at least half of his father's fortune.

However, Col. Snell's will said otherwise, and the resulting legal battles would last for years.

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The main part of Col. Snell's will was drawn up by Judge Benjamin of Bloomington. Three codicils were added in the ensuing years, the last one being added in 1906, just a year before his death.

According to the will drawn up by Judge Benjamin, Col. Snell's estate would remain intact until twenty years after the death of the last living great-grandchild at the time of the colonel's death, who at the time was only 6. The executor Lincoln Weldon, son of Judge Lawrence Weldon, would be responsible for investing the income of the property and growing the estate.

The original will provided a few bequests.

His only surviving son Richard was to receive \$1,000 annually, however, a codicil in 1904 revoked that amount and he was instead left \$50 annually, a change apparently made due to a quarrel between father and son.

The children of oldest son James Thornton Snell fared better. Thornton Snell, Henry Snell, and Lena Snell Dinsmore were to be given \$1,000 annually for the first five years, after which the amount would be increased to \$3,000. If any of the grandchildren were to die, their inheritance would either pass to their descendants or be distributed among the remaining grandchildren.

The 1904 codicil provided Thornton Snell with 175 shares in the Elkhart bank, valued around \$135 or \$140 dollars a share, and \$6,000 cash. Henry Snell would receive 200 shares. And Lena Snell Dinsmore would receive a half section of land, some 320 acres valued at \$125 an acre.

There was no provision in Col. Snell's will for James Thornton's widow Hanna, however after her husband's death, she and Col. Snell entered into a contract which saw that she would be paid \$1,000 annually for the rest of her life in exchange for some land in Saybrook that her husband and father-in-law owned, the amount being a fair compensation for what the land would rent for. The estate would honor this contract.

A great-niece by the name of Mabelle Snell was to be given \$400 annually, and the first codicil increased this amount to \$1,200.

The seven living children of Col. Snell's deceased brother Joseph received \$3,000 a piece.

The will also provided that a suitable family vault be constructed in the Clinton cemetery and should not cost less than \$7,000 or more than \$10,000.

Instructions were left that the executor erect some office buildings on real estate owned by Col. Snell in Fort Dodge, Iowa at a cost of \$150,000, and that other farm property be improved through tilling and updating the buildings. As most of the estimated \$1.5 million estate was in real estate and since the farmland was certain to increase in value, especially since the executor was given the ability to make repairs and improvements on the land, it was certain that the estate would only grow in value.

Given the odd distribution requirements of the will and the value of the estate, it was no surprise when Col. Snell's heirs, in particular his only remaining son Richard, challenged the will.

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There was a provision in Col. Thomas Snell's will that stated if any of his heirs tried to break the will, they would immediately forfeit their claim. Considering that Richard Snell, a well-off man in his own right, would only lose \$50 a year, he wasted no time in filing suit to have the will set aside. He claimed that his father was not in his right mind when the will and codicils were written and that he was under undue influence by his alleged great-niece Mabelle Snell. The immediate Snell family claimed that Mabelle Snell was not a relative and they'd never heard of her. Col. Snell's grandson Thornton Snell also filed suit to prevent any money or properties from being transferred to her right before the colonel's death, citing that he was weak and susceptible to her influence.

The family maintained that the "bewitching blonde", as the papers described her, was an imposter. Friends of Col. Snell said that they didn't know he had any great-nieces. The people of Clinton didn't know her either, but they had heard of her. It was said that she'd stayed at the Col.'s house with him –alone. It was also said that the colonel frequently visited Kansas City, and when he was there, he used her address to receive mail.

According to Mabelle Snell and her attorney Charles Webster of Kansas City, MO., she was definitely Col. Snell's great-niece, and the family did know her. During a visit to Clinton in order to familiarize himself with the case, Mr. Webster stated that Miss Snell had letters in her possession not only from Col. Snell, but from the family, including letters from Thornton and Harry Snell addressed, "Dear Cousin" as well as invitations to come visit. The letters were dated from 1902 until shortly before Col. Snell's death.

And it would be letters that would send the Snell Will trials -yes, trials- into scandalous territory.

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The first Snell Will trial occurred in January of 1908 presided over by Judge Cochran. The main focus was whether or not Col. Thomas Snell had been of sound mind when he made the will and codicils and whether or not he was under the undue influence of his great-niece Mabelle Snell.

Most of the witnesses who testified during the first trial agreed that Col. Snell was of sound mind when it came to conducting business...and he conducted a lot of it. According to George Argo, the assistant cashier at the State Bank of Clinton where Col. Snell had begun doing business after the falling out with son Richard in 1902, Col. Snell had an income of about \$50,000 and spent a lot of his money, mostly on women, a great deal of it going to Mabelle Snell. According to Mr. Argo, Col. Snell never refused her.

One of the battles between the herd of attorneys representing each side concerned correspondence between Col. Snell and other third parties, including Mabelle Snell and Reverend E.O. Hamilton of Newman, IL and his wife and daughter, as both women and the reverend had been on the receiving end of the colonel's generosity. Between the plaintiff and defense, there was something in the neighborhood of 300 letters the attorneys would have to sift through. Though Judge Cochran ruled that any letters written by the third parties could not be admitted into evidence and should be given to the executor of the estate

immediately and all other letters, checks, and other papers be given to the circuit clerk until after the trial, many letters made it to the papers.

The Hamilton family were the only ones named, but it was said that several Clinton women had written letters that weren't fit for print and one unnamed woman allegedly sold herself to the colonel for wedding clothes.

Only the Hamilton letters were among those admitted into evidence. In them the reverend asks for money for his wife and daughter. On the back of one of the letters, the reverend's wife also asked Col. Snell for money, calling him darling and professing her love for him.

At this trial, Mabelle Snell's letters were not admitted as evidence. However, when George Argo was called to review Col. Snell's bank books, many of the checks he'd written over the years had been to her.

The consensus of the witnesses, though, was that Col. Snell was sane. He had a temper and would often gesture wildly when agitated or jump around when angry but was mentally sound. Two that disagreed as to Col. Snell's sanity was a W.S. McCall, a Kansas City lawyer who attempted to do business with Col. Snell, however, cross examination revealed that he had attempted to swindle the colonel out of some land and in fact, his coal company had started mining on the land and had to be stopped by law.

Another witness, Rev. T.A. Canady, stated that Col. Snell, while ill, told him that his son Richard has cost him upwards of a half a million dollars and that he'd stolen \$40,000 more from his bank. He was certain that the colonel was of unsound mind.

Despite the evidence, the jury couldn't come to a verdict. While most of the jury had voted in favor of setting aside the will, an unanimous decision could not be reached.

The second trial began in May of 1908, this time presided over by Judge Philbrick. Many of the same witnesses were called and much of the testimony was the same as before.

Col. Snell was said to have stated that he was no longer interested in sitting on his money and he was going to spend it. This included buying a bank for his grandsons to help them get started in business. He was also concerned with his heirs squandering their inheritance and that's why he wanted his property placed into a trust.

Again, a majority of the witnesses felt Col. Snell was sane in the matter of business, but there were exceptions. T.D. Bryant said the colonel was sane in all matters but women, judging by some of the letters Col. Snell had received. Another witness, Phil Wolfe, who'd know Col. Snell for 50 years and acted as an agent for him, looking after his land, felt that he was in his right mind on all things except for his son Richard, to whom he was abusive. He also had a tendency to be abusive to his grandsons when they asked him for money. One thing made very clear in the testimony of several witnesses was that Col. Snell had a

definite dislike for his son Richard. He was said to be sent into a rage by the mention of the man's name. Col. Snell felt that Richard had cost him hundreds of thousands of dollars, stolen more, and was ungrateful. His frequent use of a certain vulgar name in regard to his son had some people wondering if Col. Snell legitimately questioned Richard's parentage. Others, though, felt that it was simply his tendency towards the use of profanity, no matter who he was talking to or about.

In this trial, Mabelle Snell's letters to Col. Snell were admitted into evidence. These letters were said to be "filthy beyond comparison" and they contained the coarsest and most obscene words known to the vocabulary". They also suggested an inappropriate relationship of a meretricious nature between the colonel and Mabelle Snell.

All of this was enough to convince a jury to vote unanimously to set aside the will. It only took them six hours to come to that conclusion.

The defense naturally asked for a retrial, which Judge Philbrick denied in July of 1908. Instead, the case was taken to the Illinois Supreme Court. The supreme court reversed the decision and remanded the case back to the lower court. In their ruling, they stated that Col. Snell's lack of morals did not mean a lack of sound mind. They also ruled that there was no finding that Col. Snell was of unsound mind when he made the will or that the first and third codicils were created due to undue influence.

The third Snell Will case took place during the summer of 1909 again with Judge Philbrick presiding. This time the plaintiffs didn't bother with Mabelle Snell's letters and focused instead on Col. Snell's hatred of his son. They proposed that while Col. Snell might have been sane in his business dealings, he was under a delusion that had turned him against his son and Mabelle Snell profited from that delusion, as Col. Snell was already well-known to be keen on spending money on women. The tellers of the State Bank of Clinton again testified to how much money Col. Snell made and how much he spent, particularly on Mabelle Snell and other women, including cash and properties.

The jury again ruled to break the will and the case again ended up in the Illinois Supreme Court in February of 1910. This time, though, the higher court felt the contestants had proven their case that Col. Snell was delusional about his son and upheld the circuit court's ruling.

Col. Snell's will was officially broken.

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What followed the breaking of the will was the settling of the estate. According to Illinois law at the time, Richard Snell was to receive half of his father's estate. The other half would be divided equally by the children of his deceased son James Thornton Snell: Henry Snell, Thornton Snell, and Lena Snell Dinsmore. Of course, this division would happen after all outstanding debts were paid. Executor Mr. Weldon contended that these debts included attorney's fees accumulated during the defense of the will, which amounted to \$75,000. Richard Snell disputed this, saying that since the will was set aside, so was the

executor, and therefore those fees were Mr. Weldon's alone. Richard Snell would take Lincoln Weldon to court over those attorney fees.

Richard Snell also took Mabelle Snell to court in order to reclaim property given to her by Col. Snell near the end of his life, in particular a DeWitt County farm which was deeded to her only a month before he died. In August of 1910, Richard Snell succeeded in having the DeWitt County land returned to him.

Mabelle Snell also found herself responsible for her own attorney's fees. Local attorney L.E. Stone, who replaced Kansas City Attorney Charles Webster after the first trial, ended up taking Miss Snell to court for his fees. During the trials, she'd married J.M. McNamara. When Mr. Stone brought his suit, she transferred her property into her husband's name. After a ruling in favor of Mr. Stone, Miss Snell then declared bankruptcy. The legal battle lasted for years. A judge finally ruled that Miss Snell's property was held in a trust by her husband and that she was still liable for the fees.

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Colonel Thomas Snell led an interesting life and it's no wonder that his eccentricities carried over into his death with his unusual will.

Thank you for joining us.

For more information about the Vespasian Warner Public Library District please go to vwarner.org.

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