

## The Status of the Miles Will Case

As inquiry is constantly being made about this now celebrated case, we have taken the trouble of looking it up and find that the present status of the controversy is as follows:

Joseph H. Miles produced a will made by his father in November 1888, to which was attached a codicil executed three or four months afterward. This codicil changed the bequest to Sam A. Miles, another son, from money to a life interest in certain lands, but made no other alteration. That will was made in a bank at Rulo, in which Joseph was an employe, and appears to have been left there. After the death of S. B. Miles, search was made for his will in various places, but none was found till Joseph returned from the east where he and his brother Sam had been on that errand. On arriving in this city, Joseph went directly to the hotel where his father died, procured a key to the room in which he died from landlord Frank Marvin and went in alone closing the door after him. When he came out, the key was returned to the landlord without remark and Joseph went directly home.

In the afternoon of the same day, Joseph delivered a paper purporting to be the will of his father, to the county judge, with a request that it be filed for probate. He then gave out the fact that he had on that day, found the will in an old unlocked satchel in the room in which his father expired. Later on, the will was admitted to probate and Joseph, as executor, entered upon the administration of the estate. This will gave him most of the estate and there was much dissatisfaction among the other heirs, as the testator had told many people themselves included, that he had made a later will which would do justice by all. In fact Joseph was informed in St. Louis within a week after his father died, that he had made a will in that city within a year and a half of his demise, and that it had been witnessed by the manager and the clerk of the hotel where he was stopping at the time, and where he had been in the habit of passing the winter for a great number of years. This information, Joseph is charged by the disinherited family, with suppressing, and is the foundation of the long and bitter litigation that has followed.

When it was known that it could be proven that a later will had been made, a suit was insti-

tuted in the county court to annul the probate of the one Joseph said he found in the old satchel. The case was heard and decided against the contesting heirs. An appeal was taken to the district court where a like result followed, and from thence an appeal was prosecuted to the supreme court. Judge John R. Thompson of Grand Island (one of the district judges of the state) had been called in to try the case, and decided the case against the contesting heirs on the ground that the testimony did not satisfy him that a later will had been made. But the supreme court, while it affirmed the judgment of Judge Thompson, did not do it for that reason, but because the evidence did not sufficiently prove that the will made at St. Louis contained a clause expressly revoking all previous wills, and as that will could not be produced, or its contents proven, it was impossible to tell whether it revoked the Rulo will by reason of a different disposition of the estate or, as the lawyers say, by implication. The supreme court said this:

"Without going into details, we may say the evidence produces a strong conviction that a will of some sort was made at St. Louis."

While the case was pending in the supreme court, the contestants, by a strange combination of circumstances, discovered the person who wrote the St. Louis will for the elder Miles, and at once filed a petition for a new trial in the district court. This proceeding is provided for in the code of that state. The hearing on the petition for a new trial was commenced before Judge Thompson of Lincoln in January, 1902, and might have been concluded in a month, but by hook or crook it was delayed for nearly two years and finally decided against the contestants. Judge Thompson, however, changed his mind in one very important particular, viz: "I am forced to find that a later will was made at St. Louis," but proposed to disbelieve the witnesses when he said the St. Louis will contained a clause expressly revoking all previous wills made by testator Miles.

From the decision denying a new trial the contestants again appealed to the supreme court, and for the first time the whole of the case is before that court, and when decided will practically end this acrimonious legal battle. The appeal was lodged in the upper court last January, and on motion of contestants was ad-

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vanced on the docket and set for hearing on the 19th of April. Before that date was reached Joseph Miles moved to dismiss the appeal. That was heard and overruled and leave given him to file briefs by June 1, and contestants to file reply briefs ten days later. We are now informed that Joseph Miles has filed another motion in the case, and for time to abstract the testimony and file briefs. The court, however, will hardly permit further delay.

### Missouri Pacific Railway

#### Time Table, Falls City, Neb.

NORTH	
No. 51 Omaha and Lincoln Express .....	A 2:25 a m
No. 9 Omaha and Lincoln .....	8:35 a m
No. 57 Omaha and Lincoln passenger .....	A 2:48 p m
No. 233 Local Freight, u-burn .....	A 1:10 p m
SOUTH	
No. 52 Kansas City and St. Louis and Denver .....	A 3:47 a m
No. 58 Kansas City and St. Louis and Denver .....	A 2:48 p m
No. 50 Worlds Fair special .....	8:45 p m
No. 232 Local, tchison .....	10:30 a m
No. 220 Stock Freight, Hiawatha .....	A 9:52 p m
Daily. B. Daily except Sunday.	
J. B. VAN NER, gent.	

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#### Memorial Services.

The annual memorial services will be held at the Brethren church on Sunday May 29, and the sermon will be preached by Rev. Haskins. An appropriate program is being arranged for Memorial Day, May 30.

#### Ice Cream.

We believe that the people demand a better grade of machine made ice cream and a wider variety of kinds and flavor. We have equipped our establishment to meet this demand.—D.W. Sowles.