

THE PLEA OF AN HEIRESS

The daughter of the late Dr. J. W. McMenamy wants some of his estate. A pretty spirited contest. Prospect that it will be prolonged indefinitely and will pass to the highest tribunal of the state.

The hearing of the contest of the will of Dr. J. W. McMenamy was commenced by Judge Shields in the county court. The contestant, as previously noted in these columns, is Mrs. Carrie Williamson, daughter of the deceased, who bases her contest on the assertion that her father was not possessed of testamentary capacity at the time the will was made, and that fraud, duress and undue influence had been used on the part of Charles McMenamy and Miss Ella Scott to obtain the making of the will.

Charles McMenamy is a brother of the deceased, and, in the will, Ella Scott is described as the doctor's betrothed. The doctor left an estate valued at about \$100,000. The will gives the present contestant \$3,000 of the net of the estate, \$20,000 to her, \$10,000 to her brother, and the real estate owned by the testator and situated in this county; and the balance of the estate to J. C. Cowin and W. J. Wallace, to be held in trust and used for the education of the doctor's son.

Dr. Merriam, who attended deceased during his last illness, and whose signature appears as one of the witnesses to the will, was the first witness examined. His testimony elicited many important facts, some of which are of interest to the contestants. It is known and associated with Dr. McMenamy in a social though not professional way for some eighteen years prior to the doctor's death. When called to attend the doctor three or four days before the latter died the witness told the patient that he was in a very serious condition and advised him if he had any business matters to straighten up he had better attend to them.

The patient put Dr. Merriam off for two days. While in attendance, the witness saw that he had administered quinine and nitroglycerine, the latter by hypodermic injection, up to within the last few hours of the patient's death. He said that Dr. McMenamy was a very nervous temperament though a person of great self-control. He supposed the drugs heightened, to a certain degree, the patient's nervousness. The witness said that he was as his duty as an attending physician, he informed the patient that he should attend to whatever business he had, he said that no mention of making a will had passed between himself and Dr. McMenamy.

At the conclusion of Dr. Merriam's testimony, General Cowin, who is the executor of the estate and will, announced that he desired to take the stand. County Attorney Mahoney of course for contestant objected, on the ground that the general had a direct legal interest in the will adverse to contestant, while there was the other fact that General Cowin had drawn up the will. Mahoney's last fact was not cited by Dr. Mahoney.

The court overruled the objection, though not until after considerable cross-firing had been indulged in by the contestants. There was comparatively little of interest to the general public in General Cowin's testimony, which was not so much as to appear who had sent for him to visit Dr. McMenamy in relation to making the will. The witness said that Ella Scott might have been in Dr. McMenamy's house, but there was, as the witness was then writing on the will, though he could not state positively. As he entered the sick room first, the witness said Dr. McMenamy greeted him with: "Well, the doctors say I've got to go, but I don't believe it." and immediately proceeded to tell him how he was feeling.

The witness judged that the dying man's mind was in a perfectly clear condition. After the will had been made out it was read to the doctor and then the latter looked it over, and when one or two small corrections had been made he affixed his signature. Counsel for the contestant took numerous exceptions to the testimony given by General Cowin and it seems evident that the contest will be as long and protracted as any ever entered in Douglas county.

The contestant, Carrie Williamson, whose residence is California, occupied the room nearest at the hearing. She is a fine-looking, handsomely attired young lady, some twenty-three years of age, and takes the closest interest in everything that is said in court. All the evidence introduced on the side of the contestant was a couple of depositions. The first was that of Mrs. J. E. Aspinwall, the nurse who attended Dr. McMenamy during his last illness. The testimony described the exact location of the room in which the doctor died and the number and location of the doors, and various other minor details. His temperature during the latter part of his sickness, and the course of treatment was also described at length. The testimony went on to say that on the day on which the will was drawn the doctor summoned the attaches of the institute about him and bade them to leave. While this was being done, Charles McMenamy, the brother of the doctor, slipped from the room and soon afterwards General Cowin came in. After the latter had given down stairs to write the will the doctor petulantly demanded why he was bothered with business matters when he had expressly stated that he did not want to be troubled.

The deposition also referred to the strong repugnance the doctor exhibited toward his brother, saying his breath smelt of whiskey and he didn't want him around, as he did not think a drunken man had any business in a sick room. It was also stated that Charles McMenamy had always objected to having the doctor's little son brought into the room, saying that the little fellow did not care anything about his father and was always inquiring how much money he was going to leave him. The other deposition introduced on the part of the contestant was that of Miss Lillian Sanford of Charles City, Ia., a patient at the institute. The testimony in this was to the effect that the witness had been at the institute for some time and had several conversations with Dr. McMenamy before he was taken sick. At these times he had always referred to his daughter, Mrs. Williamson, in the most affectionate terms, and said he had great confidence in his daughter; she had been made his confidante in business and other matters and he had always held her in the highest regard. The testimony also stated that the witness had asked the doctor if Mrs. Williamson was his stepdaughter, as she had heard, but he replied that she was his daughter and the sister of his son.

SOUTH OMAHA NEWS.

May Postoffice Statement. Postmaster Peter Crookwell is able to make the following interesting and gratifying report of the business of the postoffice for May: Stamps and postal notes \$ 839.82 Envelopes and paper wrappers 1,096.54 Total 1,936.36

Increase over April. Registered letters delivered 56,498 Letters delivered 27,528 Postals delivered 2,962 Second, third and fourth class matter delivered 25,203

County Court. The Home Investment company recovered a judgment against H. K. Housler et al for \$24.16. In the case of John vs Mack judgment was rendered for plaintiff in the sum of \$24.85.

In Memoriam. O'Connor, Nib, June 5.—At a meeting of the parishioners of O'Connor parish, Greely county, Nebraska, the following preamble and resolutions were adopted: Whereas, It has pleased Almighty God in His wisdom to call from our midst, Rev. Nib O'Connor, pastor of this parish, a man of noble and successful career, who, by his zealous and holy life, placed the church in this state of Nebraska in a position of high respect and honor.

City Treasurer's Report. GENERAL FUND. Balance May 1 1890 \$ 189.72 Received from permits and city taxes 49.80 Total 239.52

Police Fund. Balance May 1 1890 \$ 289.54 Received 28.20 Total 317.74

Bohemian Turners' Election. The Bohemian turners elected officers Wednesday as follows: President, Casper Podolski; vice president, John Berka; treasurer, Joseph Tesohlhoffer; secretary, Joseph Sincik; financial secretary, Joseph Becevar; chief, John Monek; first teacher, Joseph Novak; second teacher, Joseph Pavlik; junior, Frank Pavlik.

Should Fix Their Tracks. Inspector W. P. Murnigh, who has been directing the repairs to the Eleventh street viaduct, has reported to the board of public works that the condition of the street car company's tracks over the viaduct is a fruitful cause of the bad condition of the viaduct.

Bohemian Thanks. The Bohemian societies and lodges have passed resolutions of thanks to the Foresters' cornet band for the gratuitous services rendered on Memorial day.

Change of Life, backache, monthly irregularities, hot flashes are cured by Dr. Miles' Nervine. Free samples at Kuhn & Co., 15th and Douglas.

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John Sheridan has brought suit for \$10,000 damages against the Armour-Outback packing company. The suit is an outcome of the explosion of the boiler at the packing house of the defendant company on February 22, whereby the plaintiff represents that he was so badly scalded and bruised as to be unable to work.

Three Women in Counsel About a Bath Towel. One is said to have been a worse, but three women in counsel over the merits of a bath towel are enough to make a poor, worn out cloth which he might depart from earth by the electricity method, says the St. Louis Chronicle.

Looking for Bargains. A nation is known by the tobacco it smokes. England and Germany smoke pipes, and they are the two most smoked nations in Europe.

Catarrh. A blood disease. Until the poison is expelled from the system, there can be no cure for this loathsome and dangerous malady. Therefore, the only effective treatment is a thorough course of Ayer's Sarsaparilla.

Training a Prince. How His Highness of Wales was Made to Obey His Governors. Many years ago Miss Hillyard, the governess in the royal family, seeing the prince of Wales impatient to his studies, said: "Your royal highness is not a student, your business will soon be pleased to look at your book and learn your lesson."

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Better out of the world than out of the fashion. It is IN FASHION to use SAPOLIO for house-cleaning. It is a solid cake of scouring soap. Try it. Cleanliness is always fashionable and the use of or the neglect to use SAPOLIO marks a wide difference in the social scale.

The Omaha Medical and Surgical Institute. For the treatment of all CHRONIC and ACUTE DISEASES. Brains, Apertures for Deformation, and Fractures. It is a full and complete system of medicine for the treatment of every form of disease.

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Ayer's Sarsaparilla. PREPARED BY Dr. J. C. Ayer & Co., Lowell, Mass. Price \$1; six bottles, \$5. Worth \$2 a bottle.

Apollinaris. "THE QUEEN OF TABLE WATERS." AMERICAN PUBLIC HEALTH ASSOCIATION. Extracts from the Report on the Pollution of Water Supplies.

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Hotel Conanicut. Near Newport, R. I. Opens Wednesday June 25. A delightful summer home for families. Ample grounds always cool, perfect drainage. Run by Mrs. W. H. Conant, who has been in the hotel business for 25 years.

JOSEPH GILLOTT'S STEEL PENS. GOLD MEDAL, PARIS EXPOSITION, 1889. THE MOST PERFECT OF PENS. WEAKMANHOOD TO WEAK MEN. BILE BEANS. KISSING. A TITAN'S HAMMER.

WEEKLY MARKET. SWARTHMORE COLLEGE. KENNEDY'S EAST-INDIA. CHESTER'S ENGLISH PENNYRILL PILLS. TANSILL'S PUNCH 5¢.