

(Thursday, April 17, 1902)

TO FIGHT FATE

Security Entered by the Opponents of the Colored Million- aire's Will.

REGISTER WILL HEAR CASE

Whatever doubt may have existed as to whether or not it was the intention of the heirs to test the validity of the will of Colonel John McKee, the colored millionaire, who, after making a few meagre bequests to his daughter and other relatives, devised his fortune, estimated at about \$4,000,000, to the establishment and maintenance of a naval college for white and colored youths, has been dispelled, for security was entered before Register of Wills Singer at noon to-day, and the contest will be proceeded with before that official.

A caveat was filed with the Register on the 8th inst. by Abble A. P. Syphax, the daughter, and Henry McKee Minton, a grandson, protesting against the admission to probate of any writing purporting to be the will of John McKee. Under the provisions of the Act of Assembly, caveators are required to enter security in sums ranging from \$500 to \$5,000, at the discretion of the Register, within ten days after the filing of a caveat. It was presumed by many that some sort of a compromise would be effected by the heirs whereby they would refrain from entering any security, and the Register, in default of which, would be compelled to admit the instrument to probate.

Whether or not an effort was advanced looking to a compromise is not known, but if such a movement was made it was not successful, for at noon to-day Attorney Theophilus J. Minton, an heir, as well as the legal representative of Mrs. Syphax and Henry McKee Minton, the caveators, visited the office of the Register of Wills and entered security in the sum of \$500, that amount having been designated by Register Singer, the same being entered by the West End Trust Company.

No petition has as yet been filed with the Register by the executors named in the writing, Archbishop Ryan and Joseph J. McCullen, for letters testamentary in the estate, in the absence of which that official will not fix a date for a hearing in the matter. It is thought, however, that the counsel representing the will and the heirs will confer on the subject and a date will be fixed for the inquiry for some day next week. It was stated by one of the heirs to-day that a vigorous effort will be made to prove that the testator did not possess sufficient mental capacity to make a testamentary disposition in December, 1898, when the disputed document was executed, and that undue influence was exerted by others to induce him to affix his signature to the testament. One of the first acts to be performed will be the selection of an administrator pendente lite by agreement of counsel, as the contest will, no doubt, be a prolonged one. This will be necessary, as the testator owned several hundred dwelling houses and other properties, and unless there is an authorized trust company or individual to collect the rents from the same the estate will suffer.