

WILLIAM M. RICE'S WILLS

The One Made Two Years Ago Is
Filed for Probate.

COPY OF SECOND TESTAMENT

Under It Albert T. Patrick Becomes
Residuary Legatee, with Large Con-
trol of the Estate.

Two wills executed by the late William M. Rice were made public yesterday. The first will, dated Sept. 26, 1896, was filed for probate at 3:45 o'clock yesterday afternoon in the office of the Surrogate. No petition was filed with the will, but later in the afternoon a petition was filed by ex-Judge John D. Bartine.

In the first will the Rice Institute for the Advancement of Literature, Science, and Art gets the bulk of the estate. There are several provisions for relatives, and in this will neither Patrick nor Jones are mentioned. The witnesses to the will are W. O. Wetherbee of 300 Greene Avenue, Brooklyn, who is said to have been approached by Jones, and William F. Harmon of 672 Putnam Avenue, Brooklyn. The executors of the will are William M. Rice, Jr., John D. Bartine, and James A. Baker, Jr. The will was filed by Hornblower, Byrne, Miller & Parker, counsel for Mr. Baker.

Capt. McClusky of the Detective Bureau yesterday received a copy of the second will. The original is still in the possession of Albert T. Patrick. The copy was made from a copy of the will furnished to Capt. James A. Baker, Jr., Mr. Rice's lawyer. In this will, after various bequests, Mr. Rice bequeaths "to Albert T. Patrick, formerly of Texas, all the rest and residue of my estate, real, personal, and mixed, heretofore or hereafter acquired, and wheresoever situated." This will is dated June 30, 1900, and is witnessed by Morris Meyers, lawyer, 168 Henry Street, Manhattan, and David L. Short, publisher, 404 Bradford Street, Brooklyn. The executors named in the second will are William M. Rice, Jr., James A. Baker, Jr., and Albert T. Patrick.

A clause in the second will states that its provisions are upon the express condition that the legatees, respectively, will accept, without contest in the courts or otherwise, all the conditions thereof, and that they will execute such conveyances and release of any and all of the estate wherever situated and of whatsoever nature to "the said Albert T. Patrick, as he may demand; and any legatee not so doing is forever barred from taking under the will or in any manner inheriting any portion of my estate, and such portion shall inure to the said Albert T. Patrick."

By the terms of the first will the executors get \$80,000 in each case for the benefit of the testator's brother, Frederick A. Rice, and his wife, Charlotte. To the executors is also left \$10,000 for the benefit of the testator's sister, Minerva R. Olds, of Massachusetts. Ten thousand dollars is left for the use of his sister, Charlotte S. McKee, of Massachusetts. To William M. Rice, Jr., of Texas is bequeathed all of the indebtedness of every kind to Mr. Rice's estate at the time of his death by the firm of J. I. & W. M. Rice of Hyatt, Texas.

The sixth clause of the first will is as follows:

Sixth—All the rest and residue of my estate, real, personal, and mixed, and wheresoever situate, I give, devise, and bequeath unto the "William M. Rice Institute for the Advancement of Literature, Science, and Art," a corporation domiciled in the City of Houston, in Harris County, Texas.

In the eleventh clause Mr. Rice says: "If there are only two executors acting, then, in the event of differences between them in the management of the estate, the judgment and decision of ——— shall control."

Mr. Byrne of the firm of Hornblower, Byrne, Miller & Park, said last night that there was nothing unusual in the omission of the name from the blank space indicated.

In this will the testator also states that he desires his son, William M. Rice, Jr., to be elected to the Board of Trustees of the institute, and that E. Raphael of Houston shall act in the capacity of Secretary, with compensation for his services. The executors are to be recompensed for their services by 5 per cent. commission on the value of the estate.

In the petition filed by Judge Bartine the value of the estate is not given, and Mr. Bartine says he knows of no other will or codicil. The heirs, next of kin, he states, are F. A. Rice, brother; Charlotte McKee and Minerva R. Olds, sisters; Joseph Blynn, William A. Rice, and Charles Rice, nephews; Nina Belle Rice, grandniece, and Frederick M. Rice. In one part the petition reads as follows:

Your petitioner is informed and believes that Albert S. Patrick, who resides at 316 West Fifty-eighth Street, claims to be a person interested in defeating the said will.

Judge Bartine states that all persons next of kin of the testator are of sound mind and of legal age, except Nina Belle Rice, who is a minor. He also refers to the search for Frederick M. Rice, and states that efforts have been made to find him, without avail.

There is an affidavit by Frederick A. Rice attached to the petition, in which he states that no information has been obtained as to Frederick M. Rice's whereabouts for the past thirty years. He was last heard of in Hartford, Conn.

In the will furnished by Capt. McClusky the testator bequeaths to the William M. Rice Institute for the Advancement of Literature, Science, and Art, "a sufficient sum of money, which, together with and inclusive of the vested gifts, real, personal, or mixed, heretofore or hereafter in my lifetime made by me to said institute, will amount in value to the sum of \$250,000." It is provided, however, that if the gifts at the time of his death equal or exceed \$250,000 in value this legacy is to be null and void.

To his brother, Frederick A. Rice, or his heirs, he bequeaths \$50,000, and to each of his brothers and sisters surviving him at the time of his death, and to the lineal heirs, if any, of his pre-deceased brothers and sisters, he bequeaths \$25,000 each. Five thousand dollars is willed to each of the nephews and nieces surviving or their heirs. To each of the Directors of the institute at the time of his death he bequeaths \$5,000, and a similar amount is willed to each of the following named persons: Charles T. Adams of Montclair, N. J.; A. B. Cohn of Houston, Texas; John D. Bartine of Somerville, N. J.; W. O. Wetherbee of New York, and Frederick L. Blinn of Springfield, Mass.

One thousand dollars each is bequeathed to William Rice Carpenter of Dunnellen, N. J.; Mrs. John W. Boothby, W. F. Harmon, and John H. Wallace of New York, and \$500 each to Charles Carpenter, his wife, Isabel Carpenter, of Dunnellen, N. J.; W. G. Rucker, Groesbeck, Texas, and John G. Matheson, William Dale, and Paul Teasch of New York.

The eleventh clause of the will makes Albert T. Patrick residuary legatee.

In the second will each page is signed by Mr. Rice and the witnesses, while the first is signed only at the end of the will.