

Benjamin Kim To Fix Course In Day or Two

Children, Cut Off With \$1 Each, Deny They Have Decided to Make an Effort to Break the Instrument

Contest Is Anticipated

Executor and Trustee Prepare for Long Delay Before Final Adjudication

Within a day or two the children of Park Benjamin, patent lawyer, scientist and naval expert, will announce their course with regard to the bequest of each which was made, while he left Miss Anna Bolch Benjamin, an adopted daughter, most of his estate, valued at about \$40,000.

Park Benjamin Jr., one of the sons cut off yesterday by the instrument, denied yesterday that he had made the statement that there would be a contest, but he told of a conference held by the parties at interest, with the exception of one of the daughters, Mrs. Dorothy Benjamin Caruso, widow of Enrico Caruso, who is in Europe. No definite action was taken except that Park Benjamin Jr. was appointed as the spokesman for the family. He said he would make public whatever action was determined upon.

At variance, however, with the statement of Park Benjamin Jr. that no decision has been reached by his family as to a contest was another statement made yesterday to the Surrogate's Court by Gilbert Brewer, vice-president of the United States Mortgage and Trust Company, which is named in the Benjamin will as executor and trustee.

Contest Is Expected The trust company applied for and obtained yesterday an appointment of temporary administrator of the estate that its assets might be conserved properly pending the straightening out of the tangle.

Mr. Brewer in an affidavit said that not only would there be a delay in the probate proceedings because of the absence abroad of Mrs. Caruso, but that he had been informed by one of the five children of Mr. Benjamin that they would contest the probate of the will on the grounds of undue influence and lack of testamentary capacity at the time he executed the document in May, 1920.

"Dependent verily believes," said Mr. Brewer, "the probate proceedings will be contested, as the result of which a long delay will necessarily ensue before final adjudication." Mrs. Caruso is expected back in this country in October. Should she decide to prolong her visit abroad it will be necessary to serve her with citation by mail and possibly by publication. Mr. Brewer said that Mr. Benjamin left real estate valued at about \$55,000, which brings in a rental of \$5,000 a year, and that his personal property, consisting of securities, paintings, books and other articles, is valued at not more than \$300,000. The income from the stocks and bonds Mr. Brewer fixed at about \$15,000 a year.

Repeated Assertions Mr. Benjamin, in his will, said he left each of his five children \$1, because of their unfaithful conduct toward him, while Miss Anna Bolch Benjamin, whom he adopted in 1919, in the face of bitter opposition by his children, the lawyer left \$50,000 in cash, paintings, books and other personal property and also the principal of the residuary estate upon the death of the widow, Mrs. Ida E. Benjamin, who is to have the life income from the residue.

Benjamin is a patient in a sanatorium at Coshen, N. Y. About a year after he made the will disinheriting his children, Mr. Benjamin made an affidavit in anticipation of an attack on his will, in which he confirmed all the details of that instrument. Miss Bolch, said to be about forty years old, formerly was a governess in the family of William R. Benjamin, a brother of Park Benjamin. Later she became a companion of Miss Dorothy Benjamin, now Mrs. Caruso.

Enright Demotes Solver Of Shattuck Robbery Commissioner Enright announced yesterday the demotion of two detectives, John Petrizi and George Terminello, who have been assigned to beats as patrolmen.

Petrizi has been stationed at the 46th Precinct station, in the Bronx, and was instrumental in causing the two arrests in connection with the Shattuck robbery. He has been assigned to the East Fifty-third Street station. Terminello has been on the Italian squad at Police Headquarters under Detective Sergeant Fiaschetti, who recently was reduced to the grade of patrolman after working with Fiaschetti in the Verotta kidnaping case and has been assigned to walk a beat out of the West Thirtieth Street station.

On August 13 two detectives engaged in an altercation with W. W. Mills, Deputy Commissioner of Plant and Structures, who said they tried to drive their car ahead of the line in boarding a Staten Island ferry.

Weather Report

Eastern Standard Time Sun rises, 5:21 a.m.; Sun sets, 4:51 p.m. Moon rises, 2:50 p.m.; Moon sets, 1:30 a.m. Local Forecast.—Fair, with moderate temperature, to-day and to-morrow; variable in other regions.

Official Local Record.—The following official record shows temperatures during the last twenty-four hours in comparison with the corresponding date of former years: 1922, 1921, 1920, 1919, 1918, 1917, 1916, 1915, 1914, 1913, 1912, 1911, 1910, 1909, 1908, 1907, 1906, 1905, 1904, 1903, 1902, 1901, 1900, 1899, 1898, 1897, 1896, 1895, 1894, 1893, 1892, 1891, 1890, 1889, 1888, 1887, 1886, 1885, 1884, 1883, 1882, 1881, 1880, 1879, 1878, 1877, 1876, 1875, 1874, 1873, 1872, 1871, 1870, 1869, 1868, 1867, 1866, 1865, 1864, 1863, 1862, 1861, 1860, 1859, 1858, 1857, 1856, 1855, 1854, 1853, 1852, 1851, 1850, 1849, 1848, 1847, 1846, 1845, 1844, 1843, 1842, 1841, 1840, 1839, 1838, 1837, 1836, 1835, 1834, 1833, 1832, 1831, 1830, 1829, 1828, 1827, 1826, 1825, 1824, 1823, 1822, 1821, 1820, 1819, 1818, 1817, 1816, 1815, 1814, 1813, 1812, 1811, 1810, 1809, 1808, 1807, 1806, 1805, 1804, 1803, 1802, 1801, 1800, 1799, 1798, 1797, 1796, 1795, 1794, 1793, 1792, 1791, 1790, 1789, 1788, 1787, 1786, 1785, 1784, 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Cut Off With \$1 Each by Father's Will



Mrs. Enrico Caruso, formerly Miss Dorothy Benjamin, and her brother, Park Benjamin Jr., who are yet undecided as to whether they will join in a contest for the estate of their parent.

Drowns Self When Wife Refuses to Desert Love Cult