

DISPUTE J. M. SMART'S WILL

New York Times

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Many Claimants Now for Estate of Titanic Victim

Surrogate Fowler reserved decision yesterday on the contested will of James Montgomery Smart, a victim of the Titanic disaster. The authenticity of the will which bears the date of July 23, 1897, and was executed in Melbourne, Australia, has been questioned by the State, represented by Deputy Attorney General H. S. Renaud. Suspicion was cast upon this instrument by evidence that the testator was in the habit of interchanging James and John as his first name, and had not assumed his middle name until he returned to this country from Australia subsequent to the date on the will.

Mr. Smart was President of the American Cold Storage and Shipping Company. At the time of his death he was supposed to be educating two children abroad, and to have been bound on a visit to them. Friends said that he had often hinted at their existence, but when inquiry was made by the executors of his estate the children proved to be a myth.

When Smart's death became known in Australia, where he had gone as a young man, a will was offered for probate there. In this instrument one-third of his estate was bequeathed to Jeremiah Twomey and the other two-thirds to Annie Frances Brown, both of that country. After having been passed upon by the courts of Australia, the document was sent for final probate to this country as the latest and most permanent residence of the testator.

In the mean time the estate had dwindled from the reported \$50,000 to a bare \$10,000 and there were many claimants. According to the statement of Deputy Attorney General Renaud, yesterday in court, this number has been added to by a Mrs. James Smart of New Brunswick, Newfoundland, who is endeavoring to establish herself as Mr. Smart's widow.

In yesterday's proceedings J. Barker Carter of 234 West Eighty-first Street, a former business partner of Smart, testified that the signature on the will was not Mr. Smart's. Testimony opposed to this was offered by Frederick K. Seward, Mr. Smart's attorney, who accompanied him on the Titanic.

Courtesy of Mark Baber

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