

ANNALS
OF
MILES ANCESTRY
IN
PENNSYLVANIA
AND
STORY OF A FORGED WILL
BY
CHARLES H. BANES

ILLUSTRATED

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Griffith Miles

TO
MY KINSMAN AND FRIEND
THEODORE C. SEARCH
IN RECOGNITION
OF HIS VALUABLE SERVICE
IN THE
INTERESTS OF JUSTICE AND LAW
THIS VOLUME IS DEDICATED

C. H. B.

ILLUSTRATIONS

		PAGE
1	Griffith Miles	Frontispiece
2	Col. Samuel Miles	26
3	Griffith and Jane Miles' Marriage Certificate	49
4	Griffith, Lydia and Susan Miles	54
5	Multiplication is Vexation	57
6	Farmer's Boy	59
7	Valentine of Eighteenth Century	61
8	Forged Will Signatures	70
9	Specimen of Johnston's Writing	76
10	Griffith Miles (Fifth)	90
11	Genuine and Composite Signatures	131
12	Metrical Measurements of Signatures	135
13	" Samuel Spencer " Measured	136
14	" Wm. L. Craven " Comparison	137
15	Superscription of Will	142
16	Hugh B. Eastburn	144
17	Robert M. Yardley	148
18	Henry Lear	151
19	Judge Harman Yerkes	156

CONTENTS

CHAPTER I	
INTRODUCTORY	PAGE 9-15
CHAPTER II	
EARLY WELSH SETTLERS	16-30
CHAPTER III	
MILES ANCESTRY	31-48
CHAPTER IV	
BIOGRAPHICAL SKETCH	49-63
CHAPTER V	
THE FORGED WILL	64-71

CHAPTER VI	
	PAGE
HEARING BEFORE THE REGISTER	72-84

CHAPTER VII	
TRIAL IN COURT	85-118

CHAPTER VIII	
EXPERT TESTIMONY	119-146

CHAPTER IX	
ARGUMENT OF COUNSEL	147-158

CHAPTER X	
CHARGE TO THE JURY	159-178
THE VERDICT	178-180

CHAPTER I

INTRODUCTORY

“**T**HERE is no heroic poem in the world but is at the bottom, the life of a man; also it may be said, there is no life of a man faithfully recorded, but is a heroic poem of its sort, rhymed or unrhymed.” This familiar and oft-quoted saying of Walter Scott has been illustrated in the lives of those whose names are prominent in these brief annals.

From the first record of their domicile as citizens of this State to the present period of its development, over two centuries, the Miles family and their descendants have shared in the founding of the government and in the growth of its institutions. Among them have been leaders of thought and men of influence in the communities where they dwelt while others have created the homes and the home life that forms after all, the foundation of the State and without which no country is really happy or prosperous or has an influence that is a power in civilization.

When the American ancestors of the Miles family settled in Pennsylvania, at the close of the seventeenth century, the proprietary grant and “Holy experiment,” as it was styled of William Penn, had just come into existence. The famous Quaker col-

onist in the full vigor of young manhood, he being thirty-eight years of age, and filled with that enthusiasm which is vital to success in all advance movements, had by his characteristic manliness won the support of the Dutch and Swedes who had preceded him. He also drew to his support the English and Welsh who accompanied him or who soon after his landing in 1682 located in the primitive settlement.

In these brief annals we have endeavored to trace only one of the families of the early Welsh settlers, not unmindful of the fact that there are many descendants of pioneers living in our midst who represent other equally respectable ancestors. While examining the records in the Historical Society of Pennsylvania, the Friends' Library, Philadelphia Library and similar repositories, we find frequent mention of Miles, Griffiths, Thomas, Evans, Davies, Edwards and scores of other Welsh names well known in our community to-day.

Our purpose has led to the selection of one of these families and to trace the history through a direct stem or branch that leads from one of three brothers, Richard, Samuel and Griffith Miles, who settled together in 1683. In executing this plan, we have taken Griffith (the first) and his lineal successors. His son, Griffith (second), was born October 3, 1700, and the son of the latter, named Joseph, was born September 17, 1722. Of the children of

Joseph, we have selected Griffith, who may be called "the third," born October 4, 1754, and in turn we record the last son of this line, Griffith (fourth), born February 8, 1800.

Of the last Griffith, who died March 16, 1894, we shall necessarily speak more in detail, because of the unenviable notoriety attached to the memory of this venerable man. And this through no fault of his, but by reason of the criminality of some person or persons, as yet unknown, whose cupidity led to forgery and an attempt to defame his memory and appropriate his estate.

At the advanced age of 94 years, Griffith Miles closed a life that had manifested, in a marked degree, the sterling qualities of his ancestors. Industry, frugality, honesty, truthfulness and an affectionate regard for the members of his own household had characterized his entire life. In reference to his reputation in this respect, the Hon. Judge Yerkes truthfully said in his charge to a jury "Griffith Miles, according to the evidence in the case, was a character of a type of which, unfortunately, in these days, we have but few. He was an old-style country gentleman, living upon his farm with his maiden sisters, and, so far as appears in the case, always attended to his own business, doing justice and right between man and man as he understood them, observing the conventionalities

and the hospitality of the society of his neighborhood with punctiliousness and care; a man who was careful not to hurt or injure the feelings of others, but desiring to live the course of his life in peace and honor amongst his neighbors, to entertain them and be entertained by them according to a plan of old-fashioned hospitality."

The forged paper presented for probate immediately after his burial, purporting to be a will, and clumsily signed with his name, was more than a mere scheme to steal property; it was, in fact, an attempt to destroy the reputation of the deceased for truthfulness and brotherly affection. The existence of a will after years of protestation that he would never write one, and this declaration so frequently repeated as to seem sometimes to indicate a morbid sentiment upon the subject, would indicate untruthfulness. But, if possible, deeper moral turpitude would be indicated if it could be supposed that he had worn his brotherly affection as a mask, but had thrown it at last deliberately aside and left his aged sister penniless.

The great English poet puts the proposition clearly and tersely when he writes:

"He that steals my purse, steals trash;
But he that filches from me my good name,
Robs me of that which not enriches him
And makes me poor indeed."

The charge of Judge Yerkes in speaking of this point sums up the claims of those defending the reputation of Griffith Miles by saying: "Then again, it is argued by defendants that the claim as presented here is improbable, that Griffith Miles did not execute this will, because it bears upon its face internal evidence that he could not have written it; that its provisions are unnatural, not only that it neglects to provide for his nearest relatives in several instances, but also that the sister with whom he has lived for nearly ninety years, for eighty-five years who had shared her property with him, and with whom he had shared his, was left entirely to the mercies of one of the principal legatees under the will, to be cared for in her old age as that legatee should see proper." To this review of the argument of defendants' counsel, the judge, in a spirit of judicial fairness that marked his course through the entire proceedings, simply added, "Gentlemen, that is also a matter for you to take into consideration."

The important features of this remarkable legal contest for the character and reputation of our departed friend are narrated in the succeeding pages. Comment upon the steps in the proceedings and the result are unnecessary. It was upon an entirely different plane from the frequent attempts that are made by dissatisfied heirs to

secure property that a decedent had intended for others. The value of Griffith Miles' estate or its distribution was not taken into serious consideration; these were not factors, but incidents. The thought uppermost in the minds of the active contestants was to defend and keep untarnished a reputation of one who by his life and ancestry was an honorable man of an honorable race.

The recitation of the facts in this case and the proceedings incidental, have an important lesson for men and women who have property to leave to others. Griffith Miles, in his old-time reliance upon the law as an executor and distributor of estates, repeatedly said: "I will never make a will; the law makes one that is good enough."

The old gentleman had either forgotten or overlooked the fact that there are always existing in modern times obliging individuals who, for their own purpose, are quite willing to relieve the legal authorities from the trouble of administering estates and will undertake this service for their own aggrandizement and without any hesitation on account of conscientious scruples will prepare the necessary authority upon their own responsibility. The moral is worth considering by those who own any property that must, at their death, pass into the hands of others.

In the preparation of this volume, all unfair per-

sonal criticism has been avoided, especially in the story of the will. The only dominant desire has been to put upon record the true history and the side lights upon one of the most remarkable legal contests in the history of Bucks County. In the condensed statements and reports of the judicial proceedings use has been made of official records, and also extracts from the excellent reports of the daily newspapers, especially of the borough of Doylestown.

It is needless in this connection to more than mention the painstaking and intelligent handling of the case by the learned counsel retained for the defence, Messrs. Hugh B. Eastburn, Robert M. Yardley and Paul M. Elsasser, Esqs. Their skillful and persistent efforts were in accord with their high standing at the bar and are manifested in the proceedings.

It only remains for me to thank the Librarians of the Historical Society of Pennsylvania, Philadelphia Library and the two libraries of the Society of Friends for their valuable assistance and courtesy. I am also greatly indebted to Miss Melvina Miles, great-granddaughter of Joseph Miles, for her valuable service in copying and comparing records.

C. H. B.

CHAPTER II

EARLY WELSH SETTLERS

THE influence of immigrants from the little principality of Wales is quite marked upon the early history of America. This is especially true of those who located in Pennsylvania, Delaware, Virginia and Rhode Island.

The story of the Welsh people is of deep interest to students who seek to trace the impress of this race upon the development in America of national independence and religious liberty.

As recorded by modern historians, the history of Britian begins at the invasion of the Island by Julius Caesar B. C. 55. It must be confessed, however, that it is somewhat obscure prior to the Norman Conquest, August, 1066 A. D.

There is no doubt but that Britian was inhabited for centuries before Caesar by intelligent and brave people; that these people thus capable of great and heroic deeds, had a history equal to other nations of antiquity is more than probable. There is a history by Geoffrey of Monmouth, Bishop of

St. Asaph, whose "Chronicle, that is to say the history of the Kings of the Isle of Britian and their names from first to last," was accepted by the ancient Welsh as full, clear and satisfactory.

Geoffery lived about the middle of the twelfth century, but his work was only a translation and reproduction of an older history written A. D. 670 by Bishop Tysilio. The Bishop in turn was largely indebted to a still more ancient manuscript preserved in Amorica. These chronicles record the history of the Britians many centuries before the date of the Roman invasion. They go back to the shadowy realms of mythology.

Mr. Thomas Nicholas, in his Pedigree of English People, without endorsing the ancient records, truthfully says of the Welsh: "History presents no section of a people standing forth more conspicuously from the general mass. * * * They yielded; but only inch by inch to a superior foe, and, at last, a remnant, scorning surrender, carried away with them, as Eneas did from Troy, their choicest and most valued treasures—their kindred and their *sacra patriosque penantes*—made Wales their chosen land, Mona the sanctuary of their priesthood, and Snowden Mountains the citadel of their freedom. Their name, their language, and their honor they have to this day preserved as memories of the past."

For centuries the Welsh have held on to their simple manners, their old traditions, and their dearly-bought freedom.

The Welsh language, or Cymric, as it was called in ancient days, is undoubtedly one of the oldest living languages of Europe, though it is probably not as old as the twin member of the Celtic language, the Gaelic. Like all matters of record that have an indefinite origin in early historic times, there is a halo of romance about its primitive history. In the light of modern philological research, some of these traditions are extraordinary and appear like tales from fiction. Pezron, the Breton historian, affirms, with apparent gravity, that Welsh was "the language of the Titans, that is, the language of Saturn, Jupiter, and the other principal gods of heathen antiquity." The Rev. Joseph Harris, editor of the *Seren Gomer*, remarked in 1814: "It is supposed by some, and *no one can disprove it*, that Welsh was the language spoken by Adam and Eve in Paradise." Discarding these preposterous assertions, the fact remains that Welsh literature reaches back in periods more remote than that of any other tongue except the Irish. The Cymric language was essentially the same tongue that was heard by Caesar and Agricola, and thus is to be regarded as the solitary link that unites those distant times with our own.

The same spirit that led the ancient Cymri to heroically hurl back the legions of Caesar when he first crossed from Gaul, animated their descendants to oppose all attempts to restrain human liberty or shackle the conscience.

The argument upon which our sketch of the influence of the early Welsh settlers is based, does not depend upon tradition or ancient history ; it is a matter of record of comparatively recent dates, and interwoven with the settlement of America. With the subduing of the wilderness, the building of towns and cities, the foundation of States, the creation of sentiment for the promotion of religious liberty, separation of Church and State, the diffusion of liberal ideas and enlightened thought, are associated the names of many Welshmen or their immediate descendants who bore an honorable part.

One of their characteristics was formulated by Roger Williams when he expressed the sentiment : " No human power had the right to intermeddle in matters of conscience ; that neither Church nor State, neither bishop nor king, may prescribe the smallest iota of religious faith." This formal declaration of Roger Williams was, after all, only a re-statement of one much older and more authoritative. The Apostle Paul, writing to the Romans, expresses the thought in this wise : " Who art

thou that judgest another man's servant? To his own master he standeth or falleth. Yea, he shall be holden up: for God is able to make him stand. One man esteemeth one day above another; another esteemeth every day alike. Let every man be fully persuaded in his own mind. * * * Let us not therefore judge one another any more; but judge this rather, that no man put a stumbling block or an occasion to fall in his brother's way."

Conspicuous as leaders in developing this sentiment are the names of Roger Williams, John Miles, Abel Morgan, Col. Samuel Miles, Morgan Edwards, Dr. Samuel Jones, Dr. David Jones, and others familiar in American history during the formative period of the Colonies and the creation of the United States of America.

Individual names, however prominent and honorable, do no more than serve to illustrate the possibilities of their race. Each of these, in his own personality, represents the virtue, persistent courage and tenacity for principle that abides in the hearts of his fellows of the same kith and kin. These lives are the recorded action or expression of the thought of men who formed the communities in the contemporary times thus represented. We call the latter folk the common people. They are the private citizens and humble toilers. These are the stokers, the delvers in mines, the tillers of the

soil, and they must execute while others plan. It was this class who, in the time of Christ, paused to listen and heard him gladly, when men of higher station turned a deaf ear.

We must not forget that in spite of civil revolution the development of new institutions, in peace and in war, in plenty and in famine, this great army of toilers must toil on apparently unmindful of the great events transpiring about them. The soil must be tilled, crops must be sown and garnered, people need to be clothed and fed; the spinning wheel and the loom must do their work, and the hum of the scholars in the rustic schoolhouse must add its tiny volume to the music of industry. In a word, while children are born and men and women people the earth, the every day needs of humanity must be manfully met.

History repeats itself. The events of the olden times are often but the images of the past, projected upon the screen of the present. The story of our recent war furnishes many illustrations in point. Its official records are but tales of campaigns, conflicts and battles, but the unwritten history reveals the struggles of heart and life in the homes, the drudgery of daily toil, the every day demands of the people upon whose shoulders must ever rest the foundations of the civil structure that their fellows of greater prominence are seeking to rebuild or destroy.

Sometimes in great movements the veil is for a moment lifted and this broader glimpse is revealed. In the midst of one of the scenes of carnage incidental to the campaigns of the Army of the Potomac, there was a sudden shifting of the wings of each army when the combat was renewed and the artillery opened, the screaming shells flew high in the air over the fields where surprised but thrifty husbandmen were quietly tilling the crops unconscious of the presence of troops. In a later campaign in the Wilderness much of the fighting was in dense woods overgrown with heavy underbush. The Confederates retired to a new and stronger position on the edge of the woods, separated by a ten-acre field from the opposite forest held by the Union forces. The battle was again resumed and deadly missiles were flying across the open space. In the centre of the field between the opposing forces there stood a little farmhouse. To the surprise of both armies two women emerged from the building, leading three little children. This isolated refuge, called by the sweetest of names, home, was threatened with destruction. To the credit of American soldiers, North and South, both sides stopped firing, the battle ceased, guns were depressed, and the combatants stood as silent spectators, viewing the passing of these defenseless ones until a place of safety was reached.

Thus above the noise of contests and struggles for principles, in war and in peace, if one stops to look or to listen attentively, there can be seen through the partially obscured vista the forms of men who are doing the every day duty of life, and one can hear the anvil and the hammer, the flail upon the threshing floor, and the sounds of industry which so often broke the stillness in the primitive days, and which must continue to increase in volume while the world exists. These toilers are the common people, the simple, unaffected, loyal hearts, upon which reliance must be put in the hour of peril.

A brief sketch of some of the prominent Welshmen whose history, with one exception, is closely associated with our own Commonwealth, may prove of interest. Elder John Miles and Col. Samuel Miles were of the same ancestry as the venerable Griffith Miles, whose life suggests this volume.

John Miles, as far as is known, was the first Welsh Baptist minister to settle in America. He was born at Newton in 1621, just one year before the birth of James Miles, of Llandewey, who subsequently became a member of the old Pennepeck Welsh Baptist Church, now Lower Dublin, of Philadelphia.

Elder John Miles is on record as a minister of the gospel in 1649, when he formed the first Strict

Communion Baptist Church at Ilston near Swansea, now Swansea, Wales. The Act of Uniformity, 1662, compelled him to surrender his relations to the Establishment, for like many of the Baptist preachers in the time of Cromwell, he probably officiated as a preacher in one of the State churches.

In 1663 he and his Baptist friends of Swansea in Wales came to Massachusetts, and located at a place to which they gave the name of their old home. (The larger part of the members of the church came with Miles bringing their church records.) The story of his life is full of historical interest. The force of character and the tenacity of purpose that characterizes every true descendant of the Welsh Miles family, made him a power in the region round about. December 19, 1674, the town appointed him master of a school, at a salary of forty pounds per annum, "for teaching grammar, rhetoric, arithmetic, and the tongues of Latin, Greek and Hebrew, also to read English and to write."

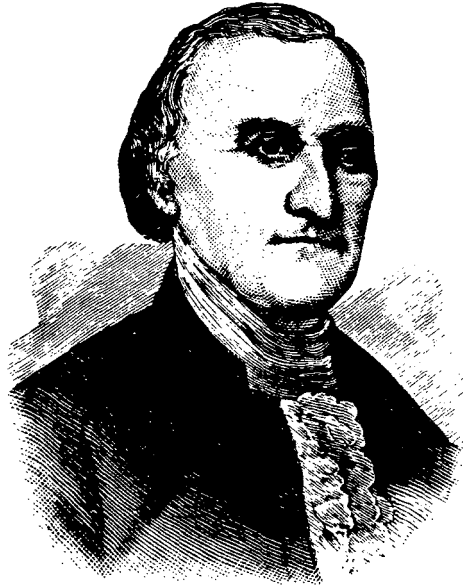
John Miles was distinguished for his learning, and was a man of remarkable piety. His church multiplied and became a power in the colony. It is reported of him that once when brought before the Magistrate for preaching, he asked for a Bible, and turning to Job xix, 28, read: "Ye should say, why persecute we him, seeing the root of the matter

is found in me?" He then sat down and the Court was so impressed that instead of punishment he was treated with kindness. He died at Tyler's Point, February 3, 1683.

Col. Samuel Miles was also a Baptist, and a warm friend of every Baptist interest. His sphere of action led him into a different relation of public life from that of John Miles. He was a soldier, born in Montgomery County, Pa., March 11, 1740. His grandfather, a brief sketch of whom will be found in the chapter upon Miles' ancestry, was Richard, and a brother of Griffith Miles, the direct ancestor in line of Griffith Miles, of Northampton. In his sixteenth year he enlisted in Capt. Isaac Wayne's Company, which was formed after Braddock's defeat. He was discharged February, 1756, re-enlisted as sergeant in Capt. Thomas Lloyd's company, served as lieutenant in the expedition to Fort Duquesne, was wounded at Ligonía in an attack made by the French and Indians, was commissioned captain in 1760, and at the end of the campaign was left in command of the forces at Presque Isle (now Erie), Pa.

He was one of the first to espouse the cause of Independence. His autobiography illustrates the Welsh character. In it he says: "I took an early and active part in opposition to the Parliament of Great Britain, who claimed the right of binding by their Acts this country in all cases."

In 1776 he became the commander of a regiment composed of two battalions, formed by himself, composed of neighbors and friends. His command was attached to the regulars under Washing-



COLONEL SAMUEL MILES

ton. On the 27th of August, 1776, he led his regiment in the unfortunate battle of Long Island. Gens. Sullivan and Stirling, with Col. Miles and eighty-one other officers, were captured. He was held a prisoner until he was exchanged in April,

1778. During his imprisonment he was made a Brigadier-General "for distinguished service in the field."¹

His civil service was equally prominent. He was Deputy Quartermaster-General for Pennsylvania until 1782; was appointed one of the Judges of the High Court of Errors and Appeals in 1783; in 1787, to the Council of Census at Philadelphia; in 1788, to the City Council; in 1789, an Alderman and a member of the Council of Property, and in 1790 became Mayor. His picture now hangs with those of his predecessors and successors in the City Hall. In 1792 Col. Miles retired to his country seat at Cheltenham, in Montgomery County, and, after a few years, closed an honorable life, aged 67 years, December 29, 1805. On Tuesday morning, December 31, 1805, his remains were deposited in a vault in the graveyard of the First Baptist Church, Philadelphia.

The character of Col. Miles was gracefully depicted by Rev. Dr. William Rogers, pastor of the church, in an address delivered at the grave, in substance as follows :

"Under the impression of the truth and importance of these principles (referring to the great principles of the Christian system), lived and died our dear friend, our beloved

¹ William Cathcart, D. D., through whose courtesy the electro of Col. Miles was secured,

brother. They were regarded by him not merely as subjects of speculation, but designed to sanctify the heart, and direct the life and conversation. In all the relationships of society, their effect was visible. As a citizen he was respected and beloved. Not only might I call upon the immediate circle of his acquaintance, but the inhabitants of this city and Commonwealth to look into yonder vault and there see the mortal part of one whose heart was bent on their prosperity. As a soldier he not only distinguished himself in the important Revolution which broke our chains and established our triumphing Independence, but before the Revolution, in the field of contest, he was known to be an officer never tardy in the service of his country. His military character, till he laid down the sword, was preserved without a blot. As a representative of this State, he discharged, it is believed, his official duties in such a way as must awaken in the bosoms of all his constituents regret at the recital of his loss. The duties of a husband he fulfilled with fidelity and affection, until death tore his estimable companion from his embraces. As a father he was indulgent, and as a friend sincere. But the character in which he pre-eminently shone, and to which these were but appendages, was that of a Christian. 'A Christian is the highest style of man.' Often I heard him relate the story of his pious experience, and as often declare his entire confidence in the name of our Lord Jesus Christ. His pilgrimage is now closed. His spirit, we believe, is now with the spirits of the just, and with holy angels in glory; and the hour is coming when vonder heavens shall be rent; when Jesus, who is the resurrection and the life, shall raise

in power the dust we are now sowing in weakness. Oh ! that in prospect of death, and of the day of judgment, we may now seek the forgiveness of our sins, the sanctification of our hearts, and all that grace which can render our lives useful and our deaths happy."

Griffith Miles, the father of Griffith Miles, the subject of this volume, was married April 28, 1791, by Samuel Jones, D. D. Dr. Jones was born January 14, 1735, in Glamorganshire, Wales, and was brought to this country two years afterwards by his parents. He was educated in Philadelphia, and graduated in 1762 ; and in the next year he was ordained as a minister of the gospel. In 1763 he became pastor of the Lower Dublin Baptist Church, and he held that office until his death, which occurred February 7, 1814. "Dr. Jones was a ready writer and a fluent speaker ; he was a large and finely built man, six feet or more in height, and in every way well proportioned. His face was the very image of intelligence and good nature, which, with the air of dignity that pervaded his movements, rendered his appearance uncommonly attractive." He was a man of great learning and of remarkable influence in his day, and of decided conscientious convictions.

The three honorable names selected for a brief sketch of personal history, largely on account of

kinship or association, will suggest scores of other Welshmen whose reputation and good citizenship aided so largely in the settlement of America, and, above all, in giving impulse to the development and progress of civil and religious liberty. They manifested in a high degree the love of freedom which existed in the hearts of the Welsh as a people, and which, in private as in public life, manifested itself in deep earnestness, love for their fellow-men, and loyalty to truth.

CHAPTER III

MILES ANCESTRY

RADNORSHIRE, Wales, the county in which the ancestor of Griffith Miles was born and from whence he emigrated, is an inland district of South Wales, bounded on the north by Montgomeryshire and Shropshire and partly on the south and southeast by Brecknockshire.

The greater portion of the surface of the country is hilly, and the centre is occupied by a mountainous tract called Radnor Forest, running nearly east and west, its highest summit reaching 2163 feet. The southeastern district is flat, with a gradual slope toward the east. Of the rivers, the chief of which flow southward, the principal is the Wye (which forms the greater part of the southern boundary of the country) and its tributaries, the Iton, the Elan and the Lugg. The valley of the Wye is famous for its beauty, and the richness of its pastures which feed splendid herds of "Herefords."

In the Roman occupation the district was included in the province of Siluria. The Roman

road from Chester to Carmarthen entered the northern extremity of the country and following the valley of the Iton, crossed the Wye entering Brecknockshire near the town of Builth. In the vicinity of Llandrinod are remains of an old Roman camp. The traditions and antiquities of the country are full of historic interest. In comparatively recent times after the battle of Naseby, August 6, 1645, Charles I., during his flight from the Parliamentary powers, after sleeping at the priory, continued his route to old Radnor where he supped on the 7th, and was perhaps the only royal guest that was ever entertained in that ancient city.

From this picturesque country with its interesting historical associations, there came in the seventeenth century to America, a number of Quaker colonists and others. These settled at Radnor, Pennsylvania. In the list are names of

James Miles,	Born, 1622,	Llanddowi,	Radnor Co.,	Wales.
David Miles,	date not given,	"	"	"
*Griffith Miles,	1670,	"	"	"
Richard Miles,	date not given,	"	"	"
Samuel Miles,	"	"	"	"

After diligent search we cannot obtain any particulars of interest in the biography of Samuel

* The last three named were brothers, and arrived in this country in 1682, or 1683.

Miles. In the case of Richard, the grandfather of Col. Samuel Miles before mentioned, we have been more fortunate. From various historical papers and also through the courtesy of his lineal descendant, F. Potts Green, Esq., of Bellefonte, Penna., we have the following glimpses of personal history :

Richard Miles was born in Llanddowri, Radnor, Wales; date of birth not given. He came to America with his brothers, Griffith and Samuel, in 1682 or 1683. He purchased his land before emigrating from Richard Davies, in Wales, in 1682. His wife was named Sarah, and with her husband joined the Great Valley Baptist Church at its organization, April 22, 1711. They doubtless brought letters of dismissal from Wales, having been members of the Baptist Church at Rhyd William under the ministry of John Jenkins. The meetings of the Great Valley Church were sometimes held at their home until 1722, when the meeting-house was built, at which time Sarah was a widow, her husband having died in 1713.

Apparently Richard was a nonconformist before leaving his mother country, for it is recorded that in Wales, 1671, he was fined one pound and fifteen shillings for "attending meeting."

The names of the children of Richard and Sarah Miles were Richard, James, Evan, John, Jane, Sarah, Hannah, and Abigail.

There is the same dearth of information concerning Samuel, the third brother of Griffith. His children were named Phœbe, Tamar, and Ruth.

Griffith, the lineal ancestor of the recently deceased Griffith Miles, married in Friends' meeting Bridget Edwards, as will be seen by the certificate herewith :

RADNOR,

Ye 20th day of ye 8 mon., 1692.

Whereas Griffith Miles of Radnor in the County of Chester the province of Pennsylvania, Bridget Edwards of ye same, have declared their intention of marriage, before several meetings of Friends held at Haverford in ye County and province aforesaid, who after due deliberations of the said meeting thereupon an inspection made to their clearness together with the consent of parents and relations concerned (had an obtained) were left to proceed in their said intentions of marriage. These were therefore to certify all it may concern in order to the full effecting of their intentions of marriage ye day and year above written, ye said parties being come to David Price house at Radnor aforesaid in a public assembly met there upon that account and ye Griffith Miles solemnly declared as follows viz—friends in ye fear of God and before you take Bridget Edwards to be my wife, promising to behave myself to her as becometh a husband to his wife, till death separates, in like manner ye Bridget Edwards solemnly declared as follows—in ye fear of God and before you take Griffith Miles to be my husband promising to behave to him as becometh a wife to her hus-

band till death separates us, and for further confirmation of the same ye said parties to these presents, have set their hands, in witness whereof, we being thereon present have hereunto subscribed our names.

GRIFFITH MILES.

The mark of X

BRIDGET MILES.

This certificate is attested by the signatures of thirty witnesses. Many of the names are familiar to-day. Besides the brothers, Richard and Samuel, were Ellis Pugh, David Price, Elizabeth Evans, Jane Pugh, Margaret Miles, Margaret Edwards, Catharine Griffiths and others.

In the olden times there did not appear to be any abbreviations of the names of women. There is on the list an entire absence of "Lizzies," "Maggies" and "Katies."

In the early history of William Penn's colony a serious controversy broke out among the Quakers about "the sufficiency of which every man naturally has within himself for the purpose of his own salvation." Some denied this sufficiency, and as a consequence exalted Christ and the Scriptures more than Barclay had done. George Keith, an impetuous and talented Scotchman, was the leader in resisting Quaker orthodoxy. Keith and his friends published a confession of their faith, and other

works in favor of their views and in denunciation of "The slanders, fines, imprisonments and other persecutions which they endured from their brethren." From this controversy the Regular Baptists obtained valuable accessions from the Keithians in Philadelphia, Lower Dublin, Southampton and Upper Providence.

Shortly after this secession, we find that Griffith Miles and his wife Bridget were dropped from the Friends' meeting and joined the Baptist Church at Pennepeck. Griffith was baptised July 9, 1697, and his wife, July 3, 1709.

As an example of the influence of Griffith Miles with his brethren, and especially to illustrate one of the denominational discussions of these early times, the following paper is printed for preservation and also for Baptist readers. It is signed by the venerable Dr. Samuel Jones.

A BRIEF HISTORY
OF THE
IMPOSITION OF HANDS ON BAPTISED PERSONS

Having never examined the ground of the above practice I therefore never doubted it, until I had to lay my hands on those I first baptised; I then turned to those passages of scripture usually brought in support of it, in order to collect some ideas it might be proper to detail on the occasion, and

to my great surprise found they were no way to the purpose: that it was practiced for the purpose of conveying miraculous gifts, and only by the apostles, who had that power. You may readily judge the perplexity I was now in, and, to my shame be it mentioned, I had not resolution sufficient to stem the torrent of custom, but prevailed with myself to submit to the practice until I should farther consider of it, and in this way I went on until our association some years ago took it up, and concluded it should be no bar to communion, but that the churches should be left to practice as they saw fit.

But, previous to this, I enquired of my correspondent, Joshua Thomas, respecting the practice in Wales. He informed me that at first it was not practiced by any of them; but after some years it became a matter of difficulty in one of their churches, and they concluded to send two messengers to a church in London, that was then in the practice of it, to enquire concerning the matter. And who should they send, but the very persons that were already in favor of the practice. The result was just what might be expected. Their messengers had hands laid on them, and on their return laid hands on the whole church; from that church it soon spread to the other churches, and became general. In this way they went on till about seventy years ago, when a query was brought into the association respecting it, when it was the subject of conversation for a while, and then died away. About fifty years ago it was brought in again, and then it was warmly debated. Some pamphlets were published on both sides; finally they concluded

it should be no bar of communion, and since that time some practice it and others do not. But that in England they know nothing of it.

This history of it in Wales, unravelled to my mind the whole matter. It was imported here from Wales, where it took its rise on the authority of a few members in one church only.

As the original constituents of the church in lower Dublin were some of them from Wales and some from England, they were constituted on the ground that laying on hands should be no bar of communion. Soon after, when the church of Welsh Tract came in a body from Wales, and were warm for the practice, they declined communion with the church at Lower Dublin ; but afterwards a deputation from both churches met at the house of Griffith Miles in Radnor, where, after debating the point for some days, they agreed it should be no bar of communion. Thus the two churches, about ninety years ago, came to the same conclusion that the association in Wales came to fifty years after, and the same our association came to a few years ago. The ministers of Lower Dublin, Welsh Tract, Philadelphia, Vincent, Great Valley, Montgomery, New Britain, Cohansey and Middletown being Welshmen, and the power of the association resting in their hands, the practice became general through the whole association. And John Marks and David Thomas emigrating from hence to Virginia, took it with them, and established it in the Ketocton Association. But the other associations to the southward who were left free to examine the scripture, know nothing of it, nor do

those to the eastward and northward of us, generally speaking. Thus, then, we see that the practice has sprung from one church at the glass house in London, who have laid it aside above a hundred years ago.

With regard to the propriety and authenticity of the rule that has been so often adopted—that to practice, or not practice, it should be no bar of communion—there is much reason to doubt. Certainly the association can have no right nor authority to countenance a practice as an ordinance of the gospel, which is not supported by the word of God. They may as well countenance infant sprinkling in lieu of baptism, and so encourage open communion, which has incautiously and injudiciously been practiced by some churches. It is a pity that those ministers who do not believe in the laying on of hands, should tamely practice it instead of endeavoring to enlighten their churches, and bring them off from an unscriptural practice.

SAMUEL JONES.

Griffith Miles, from this time forward, was apparently a leader in the Baptist Church. The important meeting referred to by Dr. Samuel Jones in the above paper, was held in his house at Radnor, about 1706. His name frequently appears in the Baptist annals of the period. Among other events indicating his prominence, was the formation of the Baptist Church at Hopewell, N. J., April 23, 1715. Among those who are recorded as present

and assisting upon this occasion we find the names of the Rev. Messrs. Abel Morgan and John Burrows, and their elders, Griffith Miles, Joseph Todd and Samuel Morgan.

He died January, 1719, aged 49 years, and was buried at Pennepek, where his grave is still marked.

The children of Griffith and Bridget Miles were

Hester Miles	Born, July 28, 1693.
Martha Miles	" Aug. 12, 1695.
Margaret Miles	" Feb. 9, 1698.
Griffith Miles	" Oct. 3, 1700.
Samuel Miles	" July —, 1703.
John Miles	" Feb. 26, 1709.

The last will and testament of Griffith Miles indicates his abiding faith in his religious professions and the doctrines he held. We quote the first paragraph :

"In the name of God Amen, the twenty-eighth day of March in the year of our Lord One thousand seven hundred and nineteen I Griffith Miles of the Township of Bristol in the County of Philadelphia in the Province of Pennsylvania Yeoman being sick and weak in body but of sound and perfect mind and memory (praise be given to Almighty God for the same) And knowing the uncertainty of this life on earth and being desirous to settle things in

order do make this last will and testament in manner and form following (Vizt.) First and principally I commend my soul to Almighty God, assuredly believing that I shall receive full pardon and free remission of all my sins and be saved by the precious death & merits of my blessed Savior and Redeemer Jesus Christ, and my body I comit to the earth from whence it was taken to be buried by my Executs in a Christian like and decent manner nothing doubting but at the General resurrection I shall receive the same again by the mighty power of God &c. And as touching such worldly estate as the Lord in mercy hath lent me my Will is that the same be Employed & Bestowed as herein after is declared And first I do hereby revoke frustrate and make void all other & former Wills by me heretofore made declaring this to be my last Will & Testament."

Then follows various devises of his property, as inventoried.

It was witnessed by the Rev. Samuel Jones, a minister of the Pennepok Church, who died 1722, three years afterwards. The will, among other bequests, gives five pounds sterling to Rev. Abel Morgan.

The inventory annexed, both in character and prices, will interest the housekeepers of the present generation.

"INVENTORY OF ALL AND SINGULAR THE GOODS AND CHATTELS RIGHTS & CREDITS OF GRIFFITH MILES, LATE OF BRISTOLE TOWNSHIP, IN THE COUNTY OF PHILA.; DECEASED VALUED OR APPRAISED BY BENJAMIN ARMITAGE AND REISE PETERS OF THE SAID COUNTY AS FOLLOWETH VZT.

IMPRIMIS.	£	S.	D.
Cash and aparile of the deceased	10	0	0
Two fether beads and furniture in the lower chamber	12	0	0
Two other beds in the garet	4	0	0
4 small square tables	1	10	0
1 Case of drawers and Walnut table	3	10	0
6 Turkeywork ould chaires	1	10	0
10 Other chaires	1	0	0
6 More Ditto	0	9	0
3 chests and three small boxes	1	0	0
2 Looking glase & one clock & case	6	0	0
1 Warming pan & fire shuffe and tongs	0	12	6
Earthen ware and glases upon two mantle pieces	0	10	0
Pewter in the kitchen	1	10	0
Linen in the house	1	0	0
Brass and Iron ware & other od things in the kitchen	2	0	0
Cask and Lumber in the seller	1	0	0
16 half Barrl of flower in the house	11	0	0
The dwelling house, plantation & appurtenances	250	0	0
Corn in the ground Vzt. wheat, Rye, Barley and oats	20	0	0

IMPRIMIS.	£	s.	d.
A small tract of land in Mongom.y Township	25	0	0
4 working horses, 3 aged mares and 3 colts	25	0	0
8 Milch cows and a bull	22	0	0
7 Young cattle and three calves	12	0	0
8 Ewes and Lambs & nine other sheep	4	12	0
5 hoggs	1	10	0
1 Ould cart & Plowes and other husbandry geare	8	0	0
A parcell of Books	1	0	0
	<hr/>		
June the 5th 1719	£427	13	6
Credits due to the sd deceased	40	0	0

RICE PETERS

BENJAMIN ARMITAGE

Griffith, the fourth child and the eldest son of the before-mentioned, was married to a young lady named Sarah, about 1721. The records giving her surname are not accessible. Their children were

Martha Miles	Date of birth unknown.
Anne Miles	" " "
Joseph Miles	Born Sept. 17, 1722.

There are but few records available that give special information as to his life. He appears to have lived as a good citizen and an upright man.

A copy of the will and inventory are in the possession of the writer. The former is of the same general character as that of his father. One of the witnesses was named "Robert Esbones."

Joseph Miles, the son of Griffith (second), was married to Anne Nesmith, February, 1750, in the Gloria Dei Church, Philadelphia. The edifice is still standing, near the old Navy Yard, in the southeastern part of the city, and is known as the old Swedes Church.

Miss Nesmith came from an honored family of Scotch ancestry. Her brother, John, was married January 17, 1764, to Margaret Yerkes, at Abingdon, Pa.

The children born to Joseph and Anne Miles were as follows :

	Born	Died
Lucy Miles . . .	27th Dec., 1750 . . .	Infant
Lydia Miles . . .	7th Oct., 1752 . . .	28th Aug., 1841
Griffith Miles . . .	4th Oct., 1754 . . .	8th Dec., 1835
Margaret Miles . .	30th Aug., 1756 . . .	3d April, 1826
Joseph Miles . . .	5th Dec., 1758 . . .	18th Jan., 1826
John Miles . . .	6th Feb., 1761	
Thomas Miles . .	2d Jan., 1762 . . .	1861
Dorcas Miles . .	30th Dec., 1764 . . .	Infant
Samuel Miles . .	30th Oct., 1766 . . .	6th Sept., 1849
Jacob Miles . . .	19th Dec., 1768 . . .	23d Aug., 1822
William Miles . .	11th June, 1771 . . .	29th May, 1855
Ann Miles . . .	4th Aug., 1776 . . .	23d Dec., 1865

Miss Ann Miles, the youngest child of Joseph and Anne Miles, was born just one month after the Declaration of Independence.

She was twice married. Her first husband, William Banes, was born August 24, 1770, and died January 1, 1803. He was a son of Thomas Banes, who was a brother of Jane Banes, "Aunt Jennie."

The children by this marriage were :

Charles Banes	Born, May 15, 1795
Joseph Miles Banes	" Nov. 22, 1796
Thomas Banes	" Sept. 26, 1801
William Banes	" Aug. 31, 1803

A few years after the death of William Banes, his widow was married to her second husband, Christopher Search. By this marriage there were born :

Miles Search	July 5, 1807
George W. Search	Mar. 20, 1809
Jacob Miles Search	Dec. 2, 1810
Margaret M. Search	Sept. 22, 1812
Anthony T. Search	Aug. 16, 1814
Christopher Search	Feb. 3, 1816
Ann M. Search	Mar. 22, 1818
Griffith Miles Search	April 2, 1822

This lady was a true Mother in Israel, and her memory is greatly revered by her children and their descendants. She was remarkable for her serenity and strength of character, and her beauti-

ful life illustrated faith in God and truth in his guidance and promises.

Joseph Miles was a member of the Penncepek Baptist Church, now called Lower Dublin. Rev. Samuel Jones, D. D., pastor of the church, is named in his will as advisor to the executors.

The inventory of his estate shows considerable wealth for the time in which he lived. It is a lengthy document, and has in the list some interesting items in the light of the present period, as the following, taken at random, will illustrate. It is headed :

AN INVENTORY OF THE GOODS & CHATTLES RIGHTS &
CREDITS OF JOSEPH MILES LATE OF LOWER DUBLIN
TOWNSHIP AND COUNTY OF PHILADELPHIA DEC'D,
TAKEN AND APPRAISED THE TENTH DAY OF APRIL
1800 BY JOHN BLAKE SEUR & JOSEPH JONES.

	£	s.	d.
Bedstead, Bed & Bedding	10	15	0
Tea Table, table Cloth, 2 towels	2	0	0
Chest, 6 chairs, Arm Chair, Warming Pan . . .	1	19	3
6 Queens ware Plates 2/6, ten plate Stove & Pipe £6 15	6	17	6
Dough Trough 12/6, Iron Pott, brass Kettle Tea Kettle Bucket & Pail	1	12	6
Shovel, Tongs, back Iron And Irons & Pott Hooks	0	17	0
Bible & Psalm Book, 2 Candle Sticks	0	15	0

	£	s.	d.
Mortar, Quart and Shovel 2 Jugs Jarr and			
Cards	0	7	6
Long Wheel and Real 2 Jarrs	0	10	0
Flax Hatchel	0	2	6
Cash	84	15	5
Clock £4, Stove £1, a Case of Bottles 5/-, Bed			
and Bolster £3	8	5	0
2 Rag Coverlets & Barn Cloth	1	10	0
1 Piece of Cloth 7 yards, 1 Ditto 2½ yards			
at 8/4	3	19	2
2½ yards of Lincey at 4/- Close press 15/- . .	1	5	0
5 pewter plates & dish 7/6, Earthen Ware 2/-,			
six spoons, 1/6	0	11	0
Steelyards 11/3, pewter Tankard 3/9	0	15	9
Cheese Press & bate 15/-, Chest and Leather 7/6	1	2	6
4½ Bushels of Wheat at 11/3	2	10	7½
36¼ Bushels of Rye at 5/6	9	19	4½
8½ Ditto of Buckwheat at 4/-	1	14	0
13 Ditto Oats at 2/10	1	16	10
A Keg of Cyder 2/-, 6 Barrels £1 2 6, a Lot			
of Casks 12/-	1	16	6
Cyder Mill 11/3, Press Bed 15/-	1	6	3
Corn in the Ear at 4/9 per Bushel, 61 Bushels	14	9	9
8 Sheep	6	0	0
1 Young black & White Cow	6	0	0
1 Bay Horse 9 years old	22	10	0
1 Ditto 5 " "	22	10	0
1 Brown " 4 " "	12	17	6

	£	s.	d.
1 Old Mare	8	0	0
Young Bay Horse	11	5	0
3 swarms of Bees at 2d	3	0	0
Abraham, (the Negro Boy)	75	0	0

There are several items quoted from the long inventory that suggest the different social and economic circumstances of our ancestors who lived in the eighteenth century. The "Long Wheel and Reäl," "Flax Hatchel," "Rag Coverlets, Barn Cloth, Yards of Lincey," recall the times when men raised the flax and the wool and the women did the spinning. The weaving was then done at home or by those to whom the yarn was delivered. This custom not only applied to material for clothing, but was specially so in table and bed linen and blankets. Some of the latter are in existence to-day.

Abraham, the negro boy, invoiced at seventy-five pounds, was probably the last of his race held by the Miles family. He was possibly an old servant, and his bondage was doubtless more nominal than real.

Joseph Miles died March 27, 1800, and was buried with his father in the graveyard at Pennepek. His wife, Anne Nesmith, survived him, and departed this life December 20, 1821. Her remains rest in the same old churchyard.

These were to certify that the children of
Lower Dublin in the county of Dublin and some
Beens of Abington in the county of Hampshire
were joined together the day last, to wit
namely the twentieth day of April a bill
of our Lord and the Lord were joined and
ratified with

Handwritten signature

CHAPTER IV

BIOGRAPHICAL SKETCH

GRIFFITH MILES (third), son of Joseph and Anne Nesmith Miles, was born in Bucks County, October 4, 1754.

He was married April 8, 1791, to Jane Beans, by the Rev. Samuel Jones, D. D., pastor of Lower Dublin Baptist Church. The fac simile of the marriage certificate will interest the reader as manifesting the concise phraseology of Dr. Jones. It doubtless answered the purpose as fully as if it had been written upon parchment or printed in a white embossed, gilt-edged book. (SEE PLATE A.)

According to tradition, Mrs. Miles was a woman of fine character, and, as "Aunt Jennie," very popular with her relatives and friends. She was born December 8, 1759, and died August 19, 1813.

Like his ancestors, Griffith was a farmer and tiller of the soil, manfully and thriftily filling his sphere, and living a straightforward, honest life before his neighbors and those who knew him. He was a Baptist, and a member of Lower Dublin Church. His name appears in the printed minutes of the Philadelphia Baptist Association as a messenger from the church to its annual assemblies.

During his youth and young manhood, this country was in the throes of the Revolutionary War. Men were divided in their allegiance, as always occurs in times of great civil commotion. There was no room for questioning the proper course in the mind of young Griffith as to the duty of the hour. He enrolled his name with the patriots, and served in the War of the Revolution as a soldier in the line. Personal relics are still preserved that were used by him in the service.

While honoring the officers and men who held official positions in the Revolutionary War, and loyally preserving the memory of their honorable deeds by the records and celebrations of the patriotic societies of the "Cincinnati," "Sons of the Revolution," and other hereditary organizations, it is well to remember that the battles were fought and won, and liberty finally secured by the courage and endeavors of the private soldier. The men in the ranks who carried the old flint-lock muskets and used the bayonet or skirted the flanks of the enemy as cavalymen with bright sabres, were doubtless led by wise and gallant officers, but the private soldier must always bear the brunt of the battle.

It was not until the war was over and Griffith was thirty-seven years of age that he married. Soon after this he bought the farm that afterwards became the homestead of his son Griffith, and in the neigh-

borhood of which there has grown up in later years a little settlement called Breadysville. His change of residence from Lower Dublin to this new plantation took place in the year 1800.

He was evidently conscientious in his religious convictions, and a regular attendant at meeting. His systematic character is shown by a record which is still preserved of the dates of sermons heard by him with the names of the preachers and texts used. His industrious habits and methods are manifest in the character of his operations as revealed from an examination of some of his papers and books now in possession of his descendants. An extract from one of these will indicate the wage rate paid for mason work and plastering in the year 1806. It was at this date that he built an addition to his residence.

June 3rd, 1806, Griffith Miles Dr. to William Biddle for mason work at 7s. 6d.

	£	s.	d.
First week, 5 days	1	17	6
Second week, 4½ days	1	13	9
Third week, 6 days	2	5	0
Fourth week, 6 days	2	5	0
Fifth week, 4 days	1	10	0
Sixth week, 3½ days	1	6	3
	£10	17	6

June 3rd, 1806, Griffith Miles Dr. to Isaac Fisher.

	£	s.	d.
First week, 5 days, at 4s.	1	0	0
Second week, 5½ days	1	2	0
Third week, 5 days	1	0	0
Fourth week, 6 days	1	4	0
Fifth week, 5¼ days	1	1	0
Sixth week, 3½ days	0	14	0
	£6	1	0

September 10th, 1806, Griffith Miles to Isaac Fisher.

	£	s.	d.
Plastering his kitchen, 7 days, at 4s.	1	8	0

April 15th, 1807, Received of Griffith Miles the just and full sum of thirty-one pounds fifteen and Nine pence of this within account in full of all Demands. Witness my hand.

his
WILLIAM X. BIDDLE.
mark

After a long and useful life, Griffith Miles, at the age of 82 years, December 8, 1835, slept with his fathers, and was buried in the old church yard at Pennepek (Lower Dublin).

The following is an exact copy of his will :

Be it remembered that I Griffith Miles of Northampton Township in the County of Bucks and state of Pennsylvania yeoman do make my last will and testament in the following manner viz.—

Imprimis. I will and order that all my just debts and funeral expenses be paid by my Executor out of my estate.

Item. I give to my son Griffith Three hundred dollars and one horse, his choice out of my stock.

Item. I give devise and bequeath all the remainder of my estate real and personal to my said son Griffith and three daughters Jane, Lydia and Susan share and share alike to hold to them their heirs and assigns forever.

Lastly I appoint my said son Griffith Executor hereof with the necessary powers to execute the same. In testimony whereof I have set my hand and seal hereunto Dated the twenty first day of June Anno Domini one thousand eight hundred and twenty six.

GRIFFITH MILES. [SEAL.]

Executed in the
presence of us

JOHN KERR
SAM'L HART.

The following is the record of the children of Griffith and Jane.

	Born	Died
Jane Miles,	Mar. 4, 1792	Feb. 11, 1843
John Miles,	Aug. 22, 1793	Nov. 13, 1826
Lydia Miles,	Oct. 21, 1795	Dec. 29, 1893
Susan Miles,	Dec. 1, 1797	Oct. 23, 1875
Griffith Miles,	Feb. 8, 1800	Mar. 16, 1894

The last name, Griffith (fourth), was an infant two months old when his father first took possession of the new house and farm at Breadysville. At the age of thirty-five he found himself in possession of the homestead and the protector of his three unmarried sisters, Jane, Lydia and Susan. They were destined to spend many long years together as an affectionate family. Hospitable, fond of visitors, their door was ever opened to receive their relatives and friends. Jane died comparatively early in life, and her picture has not been preserved. From old silhouettes or profiles, as they were called, we can reproduce Griffith, Susan and Lydia as they appeared in their youthful days. (SEE PLATE B.)

It is quite interesting to note in studying the genealogy of the Miles families the proportion of the young ladies in each generation who have decided apparently with deliberation to lead lives of "single blessedness." As the pictures preserved show evident comeliness of person and as the intellectual development was, if anything, above the average, inquisitive people occasionally sought for a reason.

The following quaint rhyme copied from an original old faded paper that has come down as a sort of heirloom in the family may give the reason that existed in the mind of one of the eighteenth century maidens for deferring her choice.



GRIFFITH



SUSAN



LYDIA

PLATE B

FRIEND AND LOVER

- 1st. I am told by the wise ones a maid I shall die
They say I'm too nice, but the charge I deny
I know too well how the time flies a long
That we live but few years and fewer are young
But I hate to be cheated and never will buy
Whole ages of sorrow for moments of Joy
I never will wed till a youth I can find
Where the friend and the lover are equally joined.
- 2d. No pedant tho learned or foolishly gay
Or laughing because he has nothing to say
To every fair one obliging and free
But never be loving to any but me
In whose tender bosom my soul may confide
Whose kindness can soothe me whose counsels can
 guide
Such a youth I would marry if such I could find
Where the friend and the lover are equally joined.
- 3rd. From such a dear lover as I here describe
No dangers shall fright nor millions should bribe
But till this astonishing creature I know
I am single and happy and still will be so
You may laugh and suppose I am nicer than wise
But I'll shun the dull fop the dull coxcomb despise
Nor e'er will I marry till a youth I can find
Where the friend and the lover are equally joined.

The story of their childhood days was probably not materially different from that of children in other country households presided over by parents of intelligence and comfortably situated. The old school life, where the teacher "boarded around," is a condition of the past and has been changed for modern methods and newer systems of education.

The schoolhouses were homely structures of wood or stone and not infrequently built for some occult reason in an octagon shape. The ventilation when needed in winter could be easily obtained by the partly opened door if, indeed, the cracks in the plaster or through the floor or the broken pane rendered this necessary. The interior arrangements in all were similar. Desks were arranged to face the walls and necessarily the windows. The seats were plank benches, eight, ten or twelve feet long, to suit the size of the room, and were without backs. Pupils reached their positions by stepping over the bench. The desks had no lids, a shelf underneath received the books and slates. Seats at the desks were reserved for the "big" boys and girls. The old "Ten plate" wood-burning stove occupied the center of the room all the year round, and midway between it and the desk was another line of benches forming a large square around the stove and upon which the



PLATE C

MULTIPLICATION IS VEXATION

smaller pupils sat. The teacher of that day was called the "Master;" his position was at one end of the room, usually on a small platform upon which was a desk and bench. (SEE PLATE C.) A water pail with the calabash dipper stood on the window-sill or a bench in the corner, and the wood box was frequently outside the door, back of the structure. In the copse of woods near the school-house were chestnut and hickory nut trees, and the children gathered the nuts in the fall at the noon recess and after school hours. In those days squirrels were more plentiful than now and these were as busy harvesting the nut crop as the children, racing to and fro overhead and skipping from the branches to the trunk of the trees.

The recitations were often in classes or forms. A number of boys and girls stood up together, and the teacher gave the question to the first in order. If the answer was incorrect the next scholar in turn was tried, and so on until a correct reply was received. The one who answered correctly "skipped," that is to say, took the head of the line. In these degenerate days the word "skipped" has an opposite meaning. Often it was necessary for the teacher to punish the scholar by detention after school. One would think that sometimes the teacher suffered more inconvenience by the detention than the scholar.

A familiar form of accounts was after the English method of pounds, shillings, and pence, each pupil being required not only to be familiar with the "table" but to know how to apply it in every day transactions. The arithmetics were made therefore after the English style, weights and measures being denominated as "Tare and Tret," and a familiar doggerel among the pupils ran thus :

Tare and Tret will make you sweat,
Practice is as bad,
The Rule of Three puzzles me,
And Fractions make me mad.

From which it may be inferred that all the arithmetical operations were considered great stumbling blocks by the pupils, and that what were then known as "Vulgar Fractions" proved almost an insurmountable obstacle which few overcame.

When the school was over the youngsters separated, going in little groups of couples to their homes, some by the public road, others across the fields, passing through the stiles or climbing the old-fashioned fences. This was before the days of barbed wire.

Arrived at home, neither boys nor girls in thrifty households expected to be idle until the sun went down. In the summer the girls did chores or brought the cows from the pastures to the barnyard,

all unmindful of the brier scratches on their bare feet and unprotected ankles. The father unconsciously aided the physical development of his boy by frequently using his services in winter preparing wood for the fires or during the summer in the work on the farm in dropping corn or raking after



the wagon when the grain or hay was being loaded or in guiding an unbroken horse in the furrow.

Before the invention of modern gymnastic exercises young people managed to gain muscle, grow strong, and they lived to a good old age. Their diet was simple, their wants were few. After dark they read or studied their lessons by the light of tallow

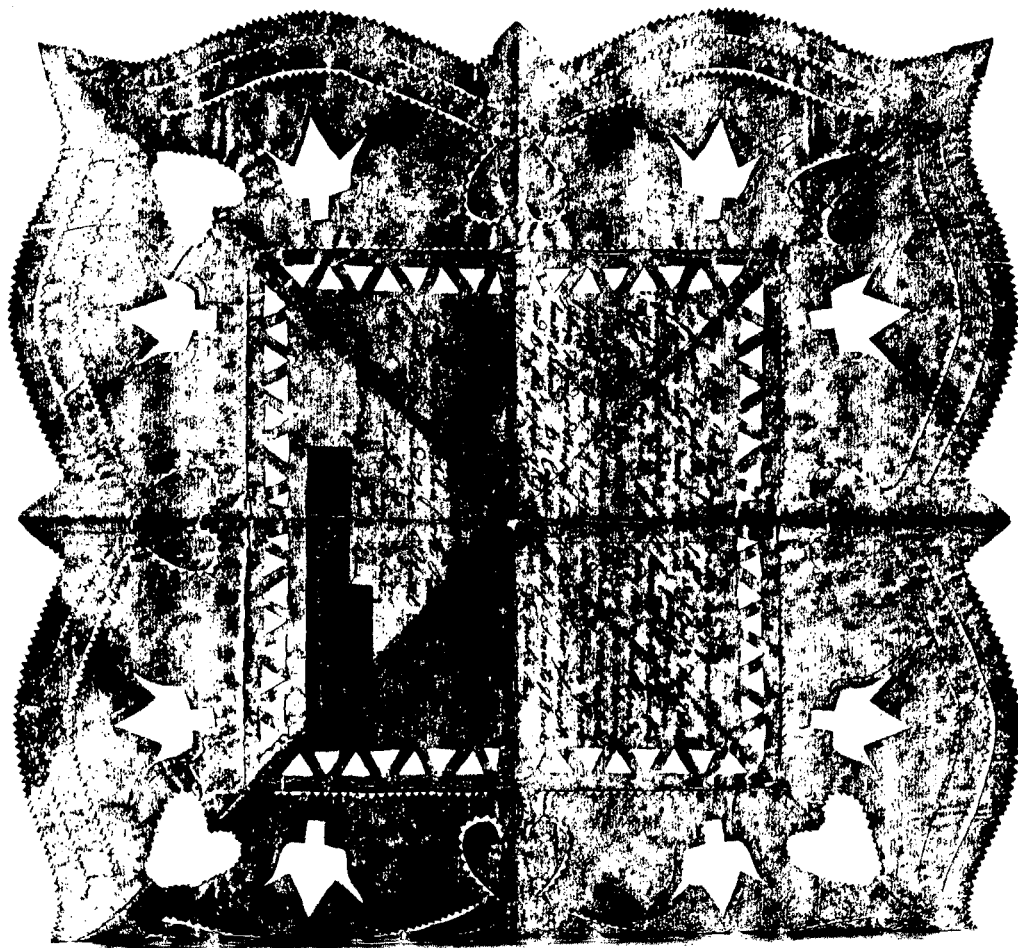
candles or the cheerful glare of the fire on the hearth, and at an early hour they "turned in" for the night and arose with the sun. Many of them learned the secret of

A happy youth, and their old age
Was beautiful and true.

In the hearts of the young men and maidens of the past, as in the present, there was the influence of the imaginative power that so frequently gives the necessary gilding to the commonplace views of life. This sentiment when healthful makes the burdens of young life easier to bear. It is only when in advancing years the gift is lost and one faces stern reality that the mournful song is heard

I have had playmates, I have had companions
In my days of childhood, in my joyful school days.
All, all are gone, the old familiar faces.

The tender affections that occasionally took possession of the hearts of the young people of both sexes were in no way dissimilar to like influences of the present day. The love stories were expressed in the same language and methods then as now, and through the same mediums. There were no photographs nor daguerreotypes, and the paper profiles served the purposes of friends and lovers. Nor were there to be had the laced-edged paper valentines and pretty missives of Cupid.



But lovers can always find one of many avenues to reach the object of the affection. We reproduce an old valentine of the eighteenth century that had performed its mission of love. The old faded paper was once white and clear, and the heart-shaped border was dexterously formed, probably by the skill of the sender. It was, without doubt, loves' own language that has so often served its purpose

The roses red, the violets blue,
The lillies fair and so are you,
Grant me love for love and gain,
And I will henceforth remain,
Both faithful just and true,
Until swans turn black and larks turn blue.

This missive was sent before the Revolutionary times, and in the absence of post-routes and mail-pouches. (SEE PLATE D.)

At the age of nineteen, Griffith Miles enlisted as a volunteer in the State militia, his term of service covering a period of seven years. The certificates recall the names of two officers, one of whom is well remembered to-day.

"This is to Certify that Griffith Miles Has faithfully served from May 1st 1819 in the Infantry Blues of Bucks County until May 2nd 1825.

JOHN THOMPSON,
Capt."

" Volunteer Certificate.

I certify that Griffith Miles served as a Volunteer fully equipt from the 2nd of May 1825 until the 2nd of May 1826 in the Washington Guards Vollunteer Lt. Infantry Corps.

J. W. WYNKOOP,
Capt."

There was much local pride manifested by the people of Bucks County in their volunteer soldiery, when Lafayette, by vote of the National Congress, was invited to visit this country in 1824. He reached New York on August 15th. The journey from New York to Philadelphia was a triumphal procession. He entered Pennsylvania by crossing the Delaware into Bucks County, and was escorted to the Philadelphia County line by the Bucks County Troop. There was much preliminary contesting for this honor between the Philadelphia City Troop and the local cavalry command.

The latter won the day and acted as escort until the procession reached the Philadelphia County line.

As the years passed, the daily life in the old homestead, with Griffith as the head of the little family, was pleasant, without special occurrences of note until Susan, the younger sister, died in 1875. After this parting of the fraternal ties the brother and sister clung more closely together if possible than ever before. Their actions and thoughts were more and more in mutual sympathy. The testimony of

this influence of the one upon the other and the affectionate relation existing between them is overwhelming. As these sentences are penned there lies on the desk a letter from the far West written by one who lived in the family for some years. The writer says : " I could not have been treated better if I had been one of the family, and during all the years I lived with them I never heard a harsh or unkind word." This appears to be the universal testimony.

Just as the year 1893 was closing, December 29th, the separation of the last survivors of the household took place. Lydia Miles, in the ninety-ninth year of her age, departed this life. She was in good possession of her mental faculties for one of her extreme age. She had a fairly good memory, and although suffering physical debility incidental to old age, she remained to the last a counselor and source of comfort to her aged brother, upon whose mental and physical powers time had made exhaustive drafts. Her remains were buried with those of her kindred in Lower Dublin graveyard.

After the death of his sister to whom he had clung with such tender brotherly affection, Griffith rapidly failed in mind and body, and a few weeks after, on March 16, 1894, he fell asleep. On Monday, 19th of March, his body was laid beside that of his sister, and the old homestead at Breadysville was desolate.

CHAPTER V

THE FORGED WILL

MONDAY, March 19th, was a cold, raw day, when the relatives and friends of Griffith Miles assembled at his late residence to attend the funeral services before the burial. In the absence in Florida of Elder Silas H. Durand, pastor of Southampton Baptist Church, the words of comfort were spoken by Elder William J. Purington, pastor of the Old School Baptist Church, at Hopewell, N. J.

No minister of the gospel could have better fitted the occasion. Elder Purington was a tender-hearted, earnest, faithful man of God. He had the advantage of years of acquaintance with the departed one. Although not a member of the church, nor a professed Christian, Griffith had faithfully attended the ministry of Elder Purington during his pastorate at Southampton. The Scripture selection was the twelfth chapter of Ecclesiastes. The Elder seemed to have great liberty to speak the thoughts that came to him from the inspired word. He but expressed the sentiment of all who knew him when

he used in his address the words: "No one ever doubted the word of Griffith Miles."

Upon returning to the house from the burial, an unpleasant and annoying surprise was thrust upon those who were present. A lawyer from Doylestown, named Nathan C. James, announced that he had been requested to read a will left by the deceased. He then proceeded to read what purported to be the

TYPE-WRITTEN COPY OF A WILL

PENNSYLVANIA BRADYVILL
BUCKS COUNTY September 15

A. D. 1885.

Be it known that I Griffith Miles had cause to Dictate and have written this Document to be sent to those hereafter named, without further proceedings, as my last Will and Testament, to be given into hands of a trusted Friend of Philadelphia, to be done with according to my Dictations this is done for reasons best known to my self partly known
to my old friend
Samuel Spencer who is witness hereto, my wish that he be not annoyed with useless questions, I was Borne February 1800 now 85 years of age, sound in mind and understanding know just what I wish done, having long thought of so doing, I would further more have it known that this is positively my last Will and Testament, entirely ignoreing all other wills papers or writings of whatsoever kind of heretofore or hereafter made, as I intend no other after this

so help me God, my word has never been doubted should there appear any will paper or writing after this know it to be of unsound Character and mind, I intend no other,)

Be it known by all who may be present that I will or bequeath to my old Friend Samuel Spencer the interest of Six Thousand Dollars (\$6.000) his life time to be paid yearly, at his Death the principal to be equally divided between his Sister Sarah Spencer Sagers' children to them and, their heirs forever.

To Sarah Spencer Sagers the interest of Four Thousand 4,000 Dollars, her life, at her Death to her Children living, and their heirs forever,

To Samuel and Charles Spencer Sons of John K. Spencer, the sum of 1.000 One Thousand Dollars to them and their heirs forever, John K. Spencer now Dead.

To Lydia Ann Miles Weaver I have known ^{her} her all my life she is named after my Sister Lydia Miles—I would have married her had I been a few years younger, she is also named after her Aunt Ann Spencer, one I would have married years ago but she Died young,

To her Lydia Ann Miles Weaver, of Philadelphia I bequeath the old Homestead whereon and in I live without incumbrance the property was once her Grand Fathers and shall be hers, the old time Clock also, once her Grandfathers, all other personal property of whatsoever kind therein and on, also all property at Bradyvill or hartsville, all money in the hatboura Bank James Vanhorne can tell, for her to take possession of at once without further trouble, all Collateral Inheritance to be, deducted from the residue

of my estate, she has promised to look after and care for my Sister Lydia Miles should I die before her, Should I outlive her she, Lydia Ann Miles ^{Weaver} gets just the same, her. and her heirs for ever, I would furthermore have her authorized to collect all, interests Rents or money due to me, to use as her very own, untill my estate be fully settled up,

I further more request that If the Brady Farm once her Grandfathers where her Mother was Borne and married from, opposit the old home stead can be bought for her, it shall be done, If not she shall take her choice of any Farm that I have, the finest and best, and 100 one hundred acres of land, with the added Sum of 20,000 Thousand Dollars to improve property as her superior Judgment may wish for her and her Heirs forever in either case ^{\$} 20,000 & 100 acres Amen,

To Nathan C. James Lawyer of Doylestown Bucks County I wish as executor to my estate and as a just and honest man having heard Lydia Ann Miles Weaver speak of him as such I bequeath the sum of)3000(Three Thousand Dollars to him and his heirs forever as, executor jointley with Lydia Ann Miles Weaver, and as her Attorney until she wishes otherwise she also to receive the sum of)3000(Three Thousand Dollars extra to her and her heirs forever,

To my housekeeper who ever she may be, also the man that takes care of myself and place, if worthy to receive 500 Five Hundred Dollars each my executors can judge how to dispose of this, if they prove dishonest, To Mary Sprogal, the Sum of Two 2,000 Dollars, the interest of

to be paid yearly, at her Death to be equally divided between the Children of Lydia Ann Miles Weaver of Philadelphia and their heirs forever,

To Griffith Miles my namesake, son of my Cousin, Joseph Miles of Manayunk to him and his heirs forever the Sum of 3,000 Three Thousand Dollars, After all debts expenses and other matters are settled after the disposition of my estate and the residue has been sold or disposed of to the best of my executors ability to the best advantage, and the collateral inheritance be taken out for Lydia Ann Miles Weaver bequests, the residue of my estate to be divided between my first Cousins living at the time of my Death, should none be living it shall be divided into equal parts for my first named heirs Samuel Spencer, Sarah Spencer Sagers Lydia Ann Miles Weaver and Nathan C. James and their heirs forever should any one speak disrespectful of or find fault or annoy my executors in any way he she or they get nothing, their portion shall be divided between my executors;

This is what I wish done without comments having been fully satisfied with all according to my dictations, this shall be after some further considerations my last Will and Testament; should property depreciate at the time herein mentioned; and not be sufficient to pay the full amount of legacy's bequeathed to all, I will that the first named heirs Samuel Spencer Sarah Spencer Sagers Lydia Ann Miles Weaver, and my executors gets there full amount as herein mentioned, My Will, then the residual to be divided according to the amount Willed to each this my executors, their

judgment superior to my own will know how to settle, leaving out my first Cousins they being old if living have ample means this I wish carried out fully according to all my wishes, except no other will paper writing's of whatsoever kind after this date September 15th : A. D. 1885, to my knowledge, and in my sound mind let nothing overthrow this, It is my last Will and wish so help me God therefore I will this day afix my hand and seal after being signed and sealed this day September 15 1885 A. D. To be given into the hands of a Trusted Friend of Philadelphia who will keep it sacred; until my Death then to be sent to one of my executors without preliminary's God be Willing

Amen ;

GRIFFITH MILES (L S)

Witnessed by

SAMUEL SPENCER (L S)

W L. CRAVEN (L S)

WM B. JOHNSTON (L S)

(ENDORSEMENT ON THE BACK.)

Last Will and Testament of Griffith Miles to be sent to Nathan C. James, Lawyer at Doylestown Bucks County, after his Death.

GRIFFITH MILES (L. S.)

This strange and incoherent document, with its absurd and contradictory statements, excited both ridicule and disgust. It was subsequently ascertained that the paper read by the lawyer at the

house, after the funeral, was a type-written copy of an original paper that had been offered to the Register of Wills, at his office in Doylestown, on Saturday morning, March 17th, 1894, by a middle-aged woman from Philadelphia, accompanied by her two sons. It purported to devise the bulk of the estate, if not all, to the woman. As the burial arrangements for the dead had not been completed in the few hours that had elapsed since his departure, the unseemly haste and anxiety evinced a greater desire upon the part of the "heiress" to grasp the property than to ascertain whether her reputed benefactor had been decently prepared for his burial.

The length of this document, which is spread over five pages of foolscap paper, makes it impracticable to reproduce in full by photograph process. For this reason only the closing lines, with the signatures are given. (SEE PLATE E.)

The whole document bore such *prima facie* evidence of fraud, that it was decided by relatives of the deceased to take immediate legal steps to frustrate its purpose. They were moved to do this more by anxiety to vindicate the honor of their kinsman than the desire to realize any financial benefit from the estate for the legal heirs. As a matter of fact those who took the most active part in this movement as attorneys for the heirs were not interested

in the estate or in any legacy, directly or indirectly. To them it was a matter of duty to sustain the reputation of Griffith Miles as an honest truthful man, and a devoted brother.

“Powers of attorney in fact,” were granted by the legal heirs to Charles H. Banes and Theodore C. Search, nephews of the living first cousins who constituted the heirs to the estate. Legal proceedings were at once begun, and in the following pages the various steps and processes taken in this loyal service are recorded.

CHAPTER VI

HEARING BEFORE THE REGISTER

APRIL 10, 1894, the proceedings under the caveat were commenced before the Register, Elias Weaver, deputy, presiding.

The proponents for the will were represented by Messrs. Henry Lear, Geo. Ross and J. F. Long, E. W. Kuhlemeier and T. L. Vanderslice, Esqs. The caveators by Hugh B. Eastburn, Robert M. Yardley and Paul M. Elsasser, Esqs.

Mr. Lear offered the will for probate and called to the stand the first witness, a man claiming to be William B. Johnston, who, upon examining the alleged will, swore that the signature was that of Griffith Miles, made in his presence. He further claimed to have written the will and signed it as a witness. (SEE PLATE E.)

Mr. Eastburn, for the caveators, cross-examined Johnston at length. His statements, as shown by the condensed extracts from daily reports of the Doylestown papers, were rambling and confusing. His whole bearing was pitiable in the extreme.

The witness stated that he lived in Roxborough and was forty-three years of age. He was handed the alleged will and identified the signatures of himself and Griffith Miles, declaring these to be genuine, and that at the date of the paper Mr. Miles was of sound mind.

"What is your name?" asked Mr. Eastburn.

The witness looked surprised, and replied, "William B. Johnston."

He was asked why he sometimes wrote his last name "Johnston" when the correct way to spell it was without the t. He wrote the document before leaving Southampton, and stated that the paper handed to him was a copy of another copy.

"This is a copy?" asked Mr. Eastburn.

"This is the will," replied the witness. "I wrote the will in the parlor in September, at Mr. Miles' dictation, about 12.30 o'clock, but do not remember the day."

He had never seen Mrs. Weaver or heard of her until he saw her last Friday night at her house at 1642 North Seventh Street, in Philadelphia.

"One of our lawyers told me to go there," he added. At Mr. Ross' suggestion he stated that John D. James, Esq., had told his wife to instruct witness to see Mrs. Weaver before that occasion, and she did not at that time inform him who she was.

Johnston said he had a conversation with her. The witness was then carried back to the day he wrote the will. The paper upon which the will was written he thought had been procured at the Hartsville store.

He could assign no reason for this belief. He knew of no one going after it. He used pale ink and a steel pen. Mr. Miles dictated. The will was finished about 4.30 or five o'clock.

The will was written in '86 or '87, he couldn't tell which. The will was dated September 15, 1885. The first sentence on the will was as he had written it. Mr. Eastburn questioned the witness closely upon this point.

He had written another will, one for an uncle in Philadelphia, named Bob Kelley. Witness was asked how he managed to get along without any erasures or interlineation, and stated that he had been assisted by Mr. Miles. He had written but one other paper at dictation. When the will was finished he signed it, leaving room for two names.

"Who wrote this 'witness by'?" asked Mr. Eastburn, handing the will to witness.

He replied at first that he did not know, but added that he thought it was his work. He had not affixed the seals.

He wrote the endorsement upon the back of the

will, but did not recollect it. The name there he stated was Griffith Miles' handwriting, but he did not see him write it.

After recess Johnston was again called to the stand, and continued his story regarding the writing of Griffith Miles' will. He first referred to his visit to Mrs. Lydia Ann Weaver, at her home in Philadelphia.

Mrs. Weaver had told him, he said, that she would pay his fare and other expenses if he would come to Doylestown and examine the will. He first learned of Griffith Miles' death "Saturday night a week ago," when he heard some one reading the announcement in a paper. The following day it occurred to him he had written a will for Griffith Miles.

Johnston said that he told no one about having written the will. Mrs. Weaver did not tell him to come here and testify that he had written it, or that she would pay him for so doing. He did not know why Mrs. Weaver wanted him to come to Doylestown. Mrs. Weavers' sons came into the room and they talked about the will, but witness did not remember what had been said. They did not ask him to come to Doylestown.

When he went to Griffith Miles' house the day he wrote the will, Mr. Miles ushered him in. Mr. Miles was the only man he saw there. Mr. Miles

signed his name in witness' presence, but he did not see the seals placed upon the paper. The sister of Griffith Miles had made no remark about the will, though written in her presence. He knew he had written the will in '86 or '87 because the date upon the document from which it was copied bore the date of 1885. He was certain the will now in question was an original document so far as Mr. Miles' signature was concerned. He dated it 1885 because Mr. Miles dictated it in that way.

Johnston testified that he did not see the paper from which Mr. Miles was reading or dictating. When he saw the will next it was on Saturday last in the Register's office in Doylestown. He told no one while here that the date upon the will did not conform with the date upon which it was written.

THE WITNESS WRITES

Mr. Eastburn then asked Johnston to come to the table and write these words; "Last will and testament of Griffith Miles, to be sent to Nathan C. James, lawyer, at Doylestown, Bucks County, after my death. . . . To Lydia Ann Miles Weaver. . . . I have known her all her life. . . . She is named after my sister, Lydia Miles." (SEE PLATE F.)

FAC SIMILE FROM WILL

To Sydney Street
 in my mind of my father's
 will - the last of the

of Adelia and miles heaven
 of her name has all my life
 she married after my sister
 Adelia Mable

PLATE F

WITNESS JOHNSTON'S HANDWRITING

COULDN'T READ HIS OWN WRITING

Johnston then returned to the stand and was asked about certain words regarding the spelling of which he had been assisted by Mr. Miles. It transpired that he had spelled the word "known" k-n-o-n in one instance, and n-o-n-e in another. He was then given the will and asked to read a portion of it. He stated that he could not do it. He made an effort, repeating a few words, and then reiterated his statement that he could not read, though he swore it was his own handwriting.

The will and the paper containing the sentences written the moment before in the court-room were handed to the witness. In response to a question he stated that the writing was not similar, but that several years had elapsed since he wrote the will, which accounted for the difference.

"Did the same hand write both these papers?" inquired Mr. Eastburn.

The witness responded in the affirmative.

Mr. Yardley then took the witness in hand. In response to a question he stated that he had told Mr. James the will was written in '86 or '87. When his attention was called to the fact that in his testimony during the morning he had stated that he had not told Mr. James this, he stated that he could

not remember precisely what he had said to Mr. James. Mrs. Weaver had not told him it was important that he should state the will was written after 1885. Nobody suggested this.

"You knew that yourself, did you?" asked Mr. Yardley.

"Yes, sir, I knew that myself," responded the witness.

He was questioned again concerning his first knowledge of the death of Griffith Miles. He heard of Mr. Miles' death, he said, at Manayunk, where a man read an advertisement aloud in his presence inquiring about a man named Johnston. He replied to the advertisement, writing to Constable John Severns, at Southampton. Subsequently he met John D. James, Esq., at Mrs. Weaver's house in Philadelphia. In reply to a question the witness then stated that his name was both William B. and William J. Johnston. The "B," he said, stood for "Kelly."

Johnston then went on to say that he was called after his uncle, Bob Kelly. Then he stated that his middle name stood for Bob or Bustard, "Just as you see fit." He had received letters that did not belong to him. His wife, upon one occasion, refused to accept a letter addressed to William B. Johnson. Witness stated that his father was living, but that he did not know where. He had

seen him two weeks ago. He has a brother living in Southampton.

His father and brother spelled their names with a "t"—"Johnston."

DECLARES HE WROTE THE WILL

"Did you write the will?" then asked Mr. Yardley.

"I did."

"If you wrote in the same manner you did this afternoon, it would have taken you two days."

"Well, I can't write in an uproar like this."

"There isn't much of an uproar here."

"There ain't, eh?"

Johnston was followed by witnesses who testified to the genuineness of signatures of the so-called witnesses to the alleged, "Samuel L. Spencer" and "W. L. Craven." Several of these witnesses based their opinion on receipts for rent paid by them some years previous, and signed in their presence. Others, in turn, failed to recognize either signature as genuine. The most important in their denial and consequent rejection of the signature were Messrs. Franklin and John H. Craven, sons of W. L. Craven, deceased.

After several sessions had been held, the hearing was adjourned to May 10, 1894, at ten A. M.

the Register presiding. The first witness called was "William B. Johnston," for cross-examination. After counsel for proponents had objected and were overruled by the Register, the following paper was acknowledged by Johnston, and after being read, was offered in evidence.

COUNTY OF PHILADELPHIA.

William Johnston, being duly sworn according to law, deposes and says, I reside on Prospect Street near Ridge Avenue, Philadelphia. I first got acquainted with Lydia A. Weaver of 1642 No. 7th Street, Philadelphia, on April 6, 1894. A statement which I made on April 27, 1894, before Henry L. Search, and a letter which I wrote on April 20, 1894, to Robert Arnold (really Robert Yardley), have just been read to me, and the facts therein stated are correct and true. I had my first interview with Mrs. Weaver at her house, where I went to see her at the request of John D. James on April 6, 1894, about 7 o'clock in the evening, and I saw her every day after that until the 11th of April, 1894. When I was about leaving her on April 6th, her son, who had come in while I was there, handed me \$5 and said that he would see me later. I went to Doylestown on Saturday, April

7th, and went with Mr. Ross to the Register of Wills office, where I also met Mr. Nathan C. James. I was shown the will and said that the signature was mine. Mr. James said that he knew whoever wrote the signature wrote the will. I saw Mrs. Weaver at her house on Saturday night and gave her a letter from her lawyer. She came to my house on Sunday, April 8, 1894, and took dinner with us. She gave my children some money, and gave me \$5 when she left. She said that she wanted me to go to Doylestown on Tuesday to probate the will, and she wanted me to testify there that the will was in my handwriting and that it was my signature to the will. She said if I would do this and she succeeded in getting the Griffith Miles estate, she would build me a house between the station and the Griffith homestead, and that I and my family would never want for anything.

She came to my house again on Monday night, April 9, 1894, and before she left she gave me another \$5. She said that she wanted me to testify at the hearing on Tuesday that the will was made in 1887 or 1888, because she had heard that there was a child who had been born in 1886 or 1887, and she wanted it to appear that the will was made after the birth of that child. The will was dated in 1885, and she said if I was asked about this, I could say that the will which I wrote in 1887 was dictated to

me by Griffith Miles from another will which he had made in 1885, and that he had read off the date to me, and I copied it as he had dictated, although I did not write the will until sometime in 1886 or 1887. When she asked me to testify that I had written the will in 1888, I told her that I could not do this because I did not live near Mr. Miles in 1888, and she said then swear that you wrote the will in 1886 or 1887. She then left me with the understanding that I would meet her the next day to go to Doylestown to prove the will.

On Tuesday, April 10th, I met Mrs. Weaver at the Columbia Avenue, Station, Philadelphia, about 8 a. m. with some of her friends. I had a drink with one of them. While we were waiting there I saw Squire Morristown, of Huntingdon Valley, whom I know, and he told me that he was going to Doylestown, and I got frightened because I thought he was going there about the Miles will. I then called Mrs. Weaver aside and told her that I wanted to give the matter up, that I thought there was going to be trouble about it. She said, "Don't get frightened, stick to what I have told you and everything will be all right; they will get tired of fighting soon and will give the matter up."

I then went up to Doylestown, and when we reached there I took another drink with her friends, and we then went to Mr. Ross' office, and from there

to the Court House. Everything that I said at Doylestown about writing a will for Griffith Miles, and about my conversation with him in reference to this will, is absolutely false and untrue, and the false statements which I made at the hearing were made to carry out my agreement with Mrs. Weaver that I would so testify. I never at any time had any conversation with Mr. Griffith Miles about his will and do not know that he ever made a will. The will which was offered for probate by Mrs. Weaver is not in my handwriting, the William B. Johnston signed to it as a witness is not myself, and I do not know who it refers to. I never wrote a will or any legal paper in my life.

I did not hear anything more from Mrs. Weaver until Friday or Saturday, April 13th or 14th, when I received a letter from her asking me to call. I called to see her on Sunday, the 15th, and she gave me a dollar and asked me if I owned my house and I said no, and that I was behind in my rent, and she said here is \$10 to pay your rent. She said that the testimony which I had given at the hearing was very satisfactory.

I have not been influenced by any one to make this statement, but make it of my own free will, and because I believe it is my duty to correct the false statement which I made at the hearing at Doylestown. This statement has been carefully read to

me by the Notary and everything in it is absolutely true.

Sworn and subscribed }
before me this 30th } WILLIAM JOHNSTON.
day of April, 1894. }

FRANCIS C. ADLER,
Notary Public,
430 Walnut Street.

After this witness had been cross-examined by both sides he retired from the stand and was followed by others for and against the will. The most interest attached to the testimony of Mrs. Lydia Ann Weaver, named as one of the executors and the principal beneficiary under the alleged will. To some extent Mrs. Weaver corroborated Johnston, but upon vital points there appeared to be a wide difference between the testimony of the woman and her quondam friend.

The case before the Register closed, and subsequently a trial before a jury was ordered.

CHAPTER VII

TRIAL IN COURT

THE Court of Common Pleas of Bucks County opened a special session in Doylestown, January 28, 1895. Hon. Harman Yerkes, President Judge.

The importance of the case, the particular features of the alleged will, and the eminent respectability of the deceased, who it was alleged signed the document, attracted a large number of spectators.

After the opening of the Court with the usual formalities, the following citizens were drawn as jurors: John H. Nickel, George Ruch, William Allowes, Joseph K. Harding, Lewis Fennimore, William O. Rufe, Aaron Ball, Josiah H. Rufe, Edward T. Slack, Thomas P. Messer, Alfred D. Long, Elisha Praul.

On the trial list the case was recorded, Lydia Miles Weaver and Nathan C. James, executors of the last will and testament as plaintiffs, and Rebecca Miles, Hannah L. Miles, Elizabeth M. Boileau, Kitty Ann Blake, Griffith M. Search, Anthony T. Search, Augustus W. Miles, J. J. Miles, Shadrack T. Miles, William Hart Miles, Amos Duffield Miles,

Ann M. Fetter, Margaret M. Lefferts, Elizabeth L. Miles, and Mary B. Miles, as defendants.

The attorneys were: For the proponents or plaintiffs, Mrs. Lydia Ann Miles Weaver and Nathan C. James, executors, Henry Lear, E. W. Kuhlemeier, Gilkeson & Wright, Geo. Ross & J. F. Long, and T. L. Vanderslice, Esqs.; for the caveators, Hugh B. Eastburn, Robert M. Yardley, and Paul M. Elsasser, Esqs.

It is not necessary to give a full report of the trial proceedings. A selection from original documents in the excellent reports of the *Intelligencer*, *Doylestown Democrat*, and other papers will indicate the general character and scope of the testimony. The Doylestown daily papers gave full reports, and were evidently the result of pains-taking care and fairness by the reporters.

Mr. Gilkeson opened to the jury. He said there was no allegation of undue influence in the making of the will of Griffith Miles, or of lack of testamentary capacity; but that the allegation was that the document purporting to be Griffith Miles' will is not genuine. Mr. Gilkeson said the proponent would offer *prima facie* evidence of the genuineness of the will and then rest.

The first witness called was Joseph A. Bonham, Esq., a member of the Philadelphia Bar, who claimed to have been for many years counsel for

Samuel Spencer. He testified that from his knowledge of Mr. Spencer's writing, he believed the signature of the first witness on the will to be the genuine signature of Samuel Spencer. He denied that he had other than a few talks with Mrs. Weaver about the will, and told her that whatever she did in the matter must be by the advice or consent of her counsel.

Mrs. Elizabeth Wheat, niece of Samuel Spencer, testified that she knew Spencer's signature through seeing him sign receipts. She was positive that the signature to the Miles will as a witness was genuine. Mrs. Wheat is a sister to Mrs. Weaver.

THE "W. L. CRAVEN" SIGNATURE

Mrs. Mary Ann Sell, of 2261 Howard Street, Philadelphia, testified that W. L. Craven, another will witness, was a real estate agent at Seventh and Oxford, and that she had seen him write his name a number of times. In her opinion the signature of "W. L. Craven" on the will as a witness was genuine.

Mrs. Roxanna Thomas, of 240 Diamond Street, who had seen W. L. Craven sign rent receipts in 1882 and 1886 upon several different occasions, thought Craven's will signature genuine. She said Mr. Craven's signature varied somewhat, but she

was positive as to the genuineness of will signature of Craven.

WILL OFFERED IN EVIDENCE

The proponents then offered the will in evidence. Mr. Yardley, on behalf of the caveators, objected on the ground that the signatures of Messrs. Spencer and Craven had not been sufficiently proven in accordance with the law, and further because there were signatures of three witnesses on the will, and that the proponents had not accounted at all for the third witness.

These points were argued by Mr. Yardley for the caveators and Messrs. Gilkeson and Lear for the proponents.

THE WILL ADMITTED IN EVIDENCE

The Court then overruled the objections of the caveators and the will was admitted in evidence, and Mr. Vanderslice read the notorious document to the jury.

DEFENCE OUTLINED BY PAUL M. ELSASSER, ESQ.

The opening address to the jury for the caveators, who have become the defendants in the trial, was made by Mr. Elsasser. He said the position of the caveators was that the alleged Griffith Miles will was a forgery from beginning to end. They

proposed to prove that Craven's signature as witness was a forgery, that Spencer's signature thereto was never written by him, and that the signature of Griffith Miles on the will was a forgery. He said they would submit to the jury genuine signatures of Griffith Miles to prove that the will signature was not genuine. They would prove that Griffith Miles, Jr., a legatee in the will, was not born until several months after the date of the will. The person who wrote the will, Mr. Elsasser thought, must have possessed a wonderful amount of foreknowledge to know that the child was going to be a boy and would be named after Griffith Miles. They would show further that Griffith Miles had made declarations repeatedly that he would not make a will. Whoever wrote the will, he declared was not familiar with Griffith Miles' property, for legacies were created that never could be fulfilled; in fact, the will was so constructed that the only possible beneficiaries under it were the executors. Furthermore, there was no apparent reason why Griffith Miles should will his property away from his lawful heirs.

MR. CRAVEN'S SONS TESTIFY

Frank Craven, son of William L. Craven, deceased, witness of the will, was the first witness called by the contestants. He had been associated

with his father in the real estate business many years. He examined Mr. Craven's name on the will and declared that his father never wrote it.

The witness was then handed a book by the plaintiffs to pick out some of his father's signatures that he knew to be genuine. He was put through a rigid cross-examination by Mr. Gilkeson, for the plaintiffs.

Mr. Craven's brother, John Craven, who was also associated with his father in business, testified that he did not believe his father ever signed the will.

Willis W. Reeder, a new witness, was then called. He is a son-in-law of William Craven. He stated that the signature on the will was not, in his opinion, that of William L. Craven.

WHEN THE BOY MILES WAS BORN

Mrs. Martha Miles, of Manayunk, the mother of the boy, Griffith Miles, to whom a legacy was left before he was born, testified as to the birth of her son. Griffith Miles had been informed of the child's birth and name within at least three months after the boy was born. Joseph Miles, the boy's father, also testified upon this point. The certificate of birth was offered in evidence. (SEE PLATE G.)



PLATE G

GRIFFITH MILES, FIFTH

Born February 9, 1886

Legacy bequeathed to him by name September 15, 1885

John Craven was recalled to testify in relation to other signatures of his father upon documents signed by him while engaged in business.

Tuesday, 29.—Among the witnesses called this day was

AN EXPERT ON SIGNATURES

Captain E. H. Rauch, of Mauch Chunk, the expert in handwriting, of Whittaker will case fame, who has followed his profession for thirty-nine years, testifying in many prominent cases in various parts of the Union, was then called.

Captain Rauch stated that since the hearings he had examined the will carefully, going over it thoroughly.

Mr. Lear, for the plaintiffs, asked that Captain Rauch's testimony be excluded. The Captain had stated that he had examined signatures of Griffith Miles, which he had been told were genuine. Mr. Lear held that this fact should prevent him from testifying further in the case, as it put the expert in the position of a witness who might be familiar with a man's signature, but who had never seen him write, thus disqualifying him as either witness or expert.

Protracted arguments followed the raising of this point.

NOT ALLOWED TO TESTIFY

The Court stated that Captain Rauch had been called as an expert. His knowledge of the matter from having seen the signatures therefore unfitted him to testify as an expert. The Captain then left the stand.*

Mrs. Margaret Lefferts, one of the contestants of the will, an aged lady, stated that her relation with Mr. Miles, her cousin, had always been friendly. The witness lived with her children.

She was cross-examined as to how she became interested in the case, and replied that she had heard Theodore C. Search and Colonel Banes speak of the matter.

"Did you promise them any money if you got your share of this estate?" asked Mr. Gilkeson, which question compelled the worthy gentlemen designated to lean back in their chairs and laugh heartily. Mrs. Lefferts is their aunt.

OPINIONS ON THE SIGNATURE

Isaac Parry, an old neighbor of Griffith Miles, was called and examined the signature upon the will. He stated that it did not look like Mr. Miles' signature, which was unusually cramped, the old

* See chapter on Expert Testimony.

gentleman frequently removing his pen while writing his name.

J. Evan Zorns, Esq., of Doylestown, being called, was handed a paper which he had stated he had seen Mr. Miles sign, and which was offered in evidence.

James Grier, another old friend of Griffith Miles, did not think the will signature genuine.

Franklin Hoagland identified Mr. Miles' signature upon a check signed in his presence.

John Craven, son of William L. Craven, was recalled and identified signatures of his father.

Herman D. Alderfer, a clerk in the Craven real estate office, looked at the signature upon the will and testified that he did not think William L. Craven could have signed his name in that way if he had tried to do so, and in his opinion it was not his signature. Jacob Peters, paying teller in the Eighth National Bank, of Philadelphia, who stated that he was familiar with William L. Craven's signature, but had never seen him write, was not allowed to testify.

WOULDN'T PAY MONEY ON THE NAME

Paul Jones, teller of the Hatboro National Bank, who had seen Griffith Miles write, and who had filled up checks for him many times, thought the signature upon the will was not Griffith Miles' sig-

nature. He wouldn't pay a check on the signature. It didn't look like any signature of Griffith Miles he had ever seen.

James VanHorn, cashier of the Hatboro Bank, where Mr. Miles deposited his funds, and who had also seen him write, did not think he had signed the will.

Pierson G. Hendricks had seen Mr. Miles sign a receipt while at the latter's house, and thought the writing in the will was not that of Mr. Miles.

Mr. Cornelius Todd had seen Mr. Miles write his name many times, and did not see any resemblance between his writing and the signature in the will.

Mrs. Rebecca Duffield testified that she had visited Mr. Miles in November or December of 1885, and that while there Mr. Miles had conversed with her about making a will. The visit was made after the execution of the alleged will.

Griffith Miles told her he had not and would not make a will. He made this remark in the presence of Mrs. Duffield, her aunt and Mr. Miles' sister, Lydia.

Mrs. Duffield stated that her aunt, Miss Elizabeth Davis, of Davisville, had gone there to ask for a contribution for a charitable and religious institution, which led to Mr. Miles' remark about the will.

A deposition was read from Miss Davis, who is a daughter of the late General John Davis, corroborating Mrs. Duffield's testimony and stating that Griffith Miles had frequently volunteered information of this kind, remarking that the law would make a will good enough for him. The deposition was filed.

Rev. J. B. Krewson, of Forest Grove, had known Mr. Miles intimately, and was entirely familiar with his handwriting. He had written many receipts which Mr. Miles had signed. In looking at the signature upon the will he stated that he wouldn't recognize it as Mr. Miles' signature. Rev. Mr. Krewson had also heard Mr. Miles say he would never make a will. He said this in March, 1887.

Frank Hoffman testified that he heard Mr. Miles say in 1886, more than a year after the alleged will was written, that he had not made a will, and did not intend to make one.

"What church did you represent?" asked Mr. Lear.

"The Old School Baptist," gravely responded the witness, apparently not disconcerted by the mirth that his reply invoked.

The Court added the suggestion "that is by no means a bad religion."

His Honor was evidently impressed with the sincerity of the witness.

WEDNESDAY MORNING

Mrs. Kate Smith, of Erwinna, was the first witness called on Wednesday morning. At one time she lived in the home of Griffith Miles, for about two years, and never saw Mrs. Weaver there during that time. She, too, had heard Mr. Miles say he would never make a will. Mrs. Smith had been housekeeper for Mr. Miles.

Mrs. Todd, who testified on Tuesday, and who lived with Mr. Miles in 1885 and '86, was recalled, and testified that she never had seen Mrs. Weaver at the Miles mansion and never heard of her until this case came up.

The brother of this witness who also resided in the Miles house from 1885 to 1886, was called, and testified to the same facts.

Laura De Haven, who resides at the Norristown Hospital, had seen Mrs. Weaver at the Miles home twice during the years from August '86, to November '88. This was after Mr. Miles' namesake at Manayunk was born. The father of the boy had called and told Mr. Miles of the boy's birth and name. The next day Mr. Miles said he would not make a will.

REFUSED TO LOAN MRS. WEAVER MONEY

Mrs. Gilmore was recalled, and testified regarding Mr. Miles reluctance to make a will, and then

followed a bit of interesting testimony. Mrs. Gilmore stated that one Sunday, in 1889, Mrs. Weaver visited the Miles home. While there, Mrs. Weaver asked Mr. Miles to lend her \$500 for her son to start in business with, offering him security. Mr. Miles replied that he wouldn't lend her any money, "for he wouldn't get it back if he did."

THOUGHT IT WAS NOT GENUINE

Miles Terry, who had known Mr. Miles from boyhood, looked at his signature upon the will and thought it not genuine. He also repeated what Mr. Miles had said about making a will, as the law would make a will good enough for him. This Mr. Miles said in 1887, two years after the date of the will.

EXPERT EVIDENCE REJECTED FOR CAUSE

Dr. Persifor Frazer, a celebrated scientist, chemist, and expert in handwriting, who is a graduate of the Pennsylvania University and also universities in Germany, was called as a witness. His appearance was in the nature of a surprise to the spectators, but Mr. Lear appeared to be prepared for the doctor's advent.

The attorneys for the contestants stated that Dr. Frazer had been called to instruct the jury

upon the matter of signature, and to show them what constitutes character in handwriting.

Mr. Lear picked up a book written by Dr. Frazer, stating that the volume had been written apparently for the purpose of evading the law laid down by the Supreme Court relating to expert testimony.

The witness, the Court decided, could not testify in the case, and he left the stand.

Before doing so, Dr. Frazer attempted a vigorous protest against what he termed the false assumption of Mr. Lear, but was not allowed to continue the discussion. Subsequently he was courteously permitted an interview at the side bar.

'Squire G. K. Finney was recalled, and stated that he heard Mr. Miles say in 1891 that he would never make a will. This was in the presence of his old friend, and the old gentleman's manner was serious.

Mr. Yardley offered powers of attorney in evidence to show the connection of Colonel Banes and Theodore C. Search with the case.

OPENING FOR PLAINTIFFS

After the defense had closed, Mr. Lear addressed the jury before calling witnesses. The plaintiffs were more successful in the production of an expert

who claimed that he had not examined and compared an undisputed signature.

Lewis D. Maltby, called by plaintiffs and affirmed.

I live at 116 S. Twelfth Street, Philadelphia. I live in Philadelphia. I should say about five years since, that I last moved to Philadelphia. I am a teacher by profession. I have general supervision of three institutions ; I am secretary of two commercial colleges, one at Norristown, one at Manayunk, Thirty-first Ward, Philadelphia ; and also am in charge of the commercial department of the Young Men's Christian Association, Fifteenth and Chestnut Streets.

Q. Have you given special attention to any particular branch of teaching ?

Ans. Yes, sir ; special attention to penmanship, and some to the other lines, in which I am a specialist.

Q. What lines are those ?

Ans. Bookkeeping, shorthand and English branches. I teach penmanship. I have made a study of penmanship, as a specialist, I should say about twenty years. I have testified as an expert in court in New York, Ohio and Illinois.

CROSS-EXAMINED

I testified in New York, Ohio and Illinois, upon three occasions. They are the only occasions I have testified in court. I have not made this a study as a professional witness. My specialty is what is called individuality in penmanship.

What attracted my attention to that branch was the fact that I was a teacher of penmanship, and when I studied under Spencer I found that in a class of several hundred that all copied from the copies—the class of several hundred wrote a copy over and over again—and yet if we would read that, an expert could tell the difference in handwriting. The result was I at once concluded perhaps there was a field of study in penmanship as to individuality, and I commenced to study the branch of penmanship known as autography.

Q. Then you testify to the characteristics of handwriting which was submitted to you?

Ans. Yes, sir.

Q. You do that upon an inspection of the handwriting which is submitted to you, without comparison?

Ans. Yes, sir; entirely. That is comparison of different parts of the same handwriting, of course.

Q. Do you compare that with any other handwriting?

Ans. That has not been my specialty, except I might take two documents written by the same hand and trace the same characteristics or documents written by different hands and trace the characteristics in each that would not coincide.

Q. According to your theory, is it possible to determine the genuineness of any handwriting without comparing with some other handwriting?

Ans. What do you mean by genuineness?

Q. You take a signature and you examine that signature. You don't look, as I understand, at any other signatures which are admitted to be genuine signatures, but you come to the conclusion from the inspection of that signature as to whether it was written in a natural hand?

Ans. Yes.

Q. And you give an opinion upon that?

Ans. Yes.

Q. And do you think that is safe?

Ans. I think so.

Q. Look at that will and in your own way state your opinion in regard to the body of the will and signatures?

Ans. May I ask just in what lines you want my opinion?

Q. The issue being tried here is as to the genuineness of that document. If you can throw any light upon that question we should be glad to have it.

Ans. I would say without question that the will is written in the natural handwriting of the person who wrote the will, and that the signature, William B. Johnston, is also the same handwriting.

Q. What about the signature of the testator?

Ans. I don't call that the same handwriting, for my first reason lies in the fact of the position in which the writer's hand was evidently situated. The man who wrote the will was an easy writer, his position while writing was a comfortable easy position, one that he could maintain for hours presumably. His hand was in such a position that the first two fingers, with which the greater part of writing is done, slid easily past the third and fourth fingers; you see no curve on his downward strokes to get past those fingers. In the name, Griffith Miles, wherever the line goes below the ruled line you see that; the idea being that the writer wrote with his fingers further under his hand, a characteristic we frequently see in pupils. The first man evidently was a more what we call expert writer perhaps. He was a man who evidently had written a great deal more and had got into a natural position, as his hand came down the two fingers slid easily past the third one without curving to let it pass. That is one reason why I should say it was not the same.

Another reason is that the position of the pen in the hand in the signature, Miles, is such that the

shading naturally comes on the stroke at that angle. In the other writing there is seldom any shading, and when there is any shading so as to show the position of the pen, the position of the two points of the pen are at that angle with the hand, the two points of the pen being at an angle exactly parallel to the line of writing. The gentleman's writing is exactly we say on this line, now the pen is so held in the hand that the back of it is exactly parallel with that line of writing as shown by the way in which the two points of the pen follow each other. In the Griffith Miles signature, the shading of the G shows that the pen takes its natural shading at that angle to the writing.

The evidence in my mind is this, that if a man were trying to simulate a signature or forge a signature, he would get the natural position. If you are going to do anything particularly fine we get in such shape as to do it to the best advantage possible. For that reason I don't think the same hand wrote the name, Griffith Miles, as wrote the body of the will or the signature, William B. Johnston.

Another characteristic that I find in the signature is in writing the words both Griffith and Miles in every letter and in every word there seems to be a sort of an expression to the writing as though it had been an effort to write it, you don't find that in the other signatures or in the writing of the will.

A man trying to imitate a signature or a man trying to write unnaturally does not show the same characteristics in his letters or in each letter. If there were a characteristic liable to crop into one it would crop into the other. There is no such characteristic as that shown at all in the other signatures.

Consequently, I would say if the signature of Griffith Miles were forged, the other signatures were not forged by the same person; of, course, I know nothing of the Griffith Miles signature; I don't know that he could write like that if he chose; but if a person had chosen to forge the Samuel Spencer and the Griffith Miles signatures, the same characteristics would have appeared in both, in my estimation.

Q. What is your opinion as to simulation in reference to the signature of Griffith Miles?

Ans. I have not looked at the document since I was here some time ago at the hearing, but my opinion is this, that I have found in the past that where a man undertakes to forge a signature he does not trust his mind—does not trust himself to carry in his mind the form of an entire word—in fact, he will almost invariably stop at some point in a letter, and at the same relative point to get his bearings; he realizes that the form of the letter must be similar, and if he is going to stop to get

his bearing as a rule he will either stop at the top, bottom, or just before he crosses at the bottom—just at the lower angle. I see no such indication here.

The points at which the pen was removed in this will shows that there was no effort to rejoin the old line. It looks to me as though the party who was writing it wrote with difficulty, and his hands rested in this way, and he wrote, as soon as he moved his fingers that way when they ran against the other fingers, he had to raise the other fingers and hitch along, which you don't see at all in the body of the will. In the word "preliminaries," which is a long word, occupying the full one-third of the width of this sheet of paper, there is no evidence of that whatever—of hitching along—while in the Griffith Miles you find the same evidence, and you find that the distance the man could write without removing his pen was invariably about the same; where he removes his pen he has written, as I say, about so far, then he has to raise his pen and allow those fingers to slip along.

I notice a very marked difference in the position of the pen on the paper in the different signatures. When the writer allowed a little weight to rest on the pen in the Griffith Miles signature, the position of the pen was that way on the paper. That was the position of his pen, say at that angle; the pen

was evidently held at about that slant—the pen-holder.

The position of the pen—the points of the pen in the Craven signature are such as to show that they spread like that when they were at that angle on the paper, a very different angle entirely.

The conclusion I come to from that is that the man who was writing in the Craven signature held his pen differently—at a different angle—which a little observation of different writers will show you that a man picks up a pen, when he rests it upon the paper one man retains the same angle; different men get a different angle, some strive to have the pen that way, others this way.

In the Samuel Spencer signature I should say that the gentleman who wrote it was one of those men who knew about what he was going to do before he commenced and did it; the character of the individual as I see it in the writing, and it is equally true, at least my study has proven that you will see in a letter made by a man the same characteristics you will see if he is going to build a house, if he has one of those characteristics, where if he were going to build a house he would know where every door was to be located, the shape of every room, before he commenced; he has the full conception before him, then he commences and does whatever he is going to do; in all acts of life

he is one of those men that knows the end before he commences the beginning.

It looks to me as if the Samuel Spencer signature were written by that character of a man, a man who, after he commences does not have to change.

While it looks to me as though the Miles signature was written by a man that didn't quite know where he was going to, in fact he is devising a little part of the time to get past these fingers. I don't know if you get my idea of characteristics, but since I have been here in the last few days we have heard a great deal of characteristics in handwriting, and that is really my field of the work—and specialty. But, as I say, it was as long ago as 1876 I frequently would, in an evening's entertainment, leave the room and let some one write a letter, and then come in for the amusement of those collected there, read the character of the person who wrote the letter, so doing I thought I could tell pretty closely the character of the person.

Q. Pass now to W. L. Craven's signature?

Ans. Do you want my opinion of that in comparison with the other signatures?

Q. I want your opinion as a man who has studied handwriting, as to whether it is simulated or not?

Ans. I saw no evidence as being an attempt to

imitate another signature. There is not a hesitation in the form of outline. The whole name is so carelessly written that I would not think the person who wrote it attempted to copy, that is, attempted to imitate another signature. I see no point in any letter where there is an evidence, or even in the connected writing where there are several letters in succession, that the writer hesitated, to refresh his mind as to the form of writing.

Q. It was written, apparently, without thought?

Ans. It seems to be.

Q. Then looking at the three signatures, what is your opinion as to their being written by the same person?

Ans. I would think it impossible. I don't think they were written by the same person. You have reference to Spencer, Craven and Johnston?

Q. Take the four?

Ans. They are all, the three first especially, are carelessly written, and no such care as would be shown in an attempt to forge, in my estimation. I can see nothing in them that gives any such evidence. Were I to describe the character of the person who wrote them I would make it very different, very different. To me it seems very plain that they were not written by the same persons.

Q. And in none of them, you say, is there any attempt to simulate or forge?

Ans. I see none.

Q. Nor in the body of the will?

Ans. Certainly not. The body of the will there is no question but that is the original handwriting. A man could not maintain a feigned hand so long without showing it.

Q. And you also think the body of the will and the signature, William B. Johnston, were written by the same person?

Ans. Undoubtedly.

In being put to the test of his knowledge as an expert, Mr. Maltby took a paper bearing what had been proven a genuine signature of Samuel Spencer and gave it as his opinion that it was not genuine.

In the second test, on a receipt given Isaac Parry by Griffith Miles, the witness said he would not give a definite opinion. He said it looked like a simulated signature badly done, but might be a genuine one, as several of the letters had been traced twice. The third test was a complete failure for the expert, as he pronounced a forged or simulated signature, handed him by counsel for the caveators, to be genuine, and was positive in his opinion. That ended the expert testimony for the day.

MRS. WEAVER ON THE STAND

JANUARY 31, 1895

She stated that she had lived in Bucks County, near Griffith Miles' home. She resided in the county when young, her grandfather owning a farm near the Miles' place.

Subsequently she spent two years at her uncle Samuel Spencer's place, in Northampton. She had visited other relatives in the county. She knew Griffith Miles after she became a young lady. Mr. Miles had visited her and her mother in Philadelphia. Her mother died in 1892. The last time she visited Mr. Miles was in June of 1887.

She was married in November, 1878, to Peter B. Weaver, of Philadelphia. Her first husband was Morris Dorsey, of Wheeling, West Virginia. Samuel Spencer, her uncle, visited her house nearly every week.

Mrs. Weaver then related how she came into possession of the will. Her uncle had given it to her and told her to put it away and not to say anything about it as it would only make trouble. She did not know it was Griffith Miles' will. It was subsequently deposited by her son, Charles Dorsey, in a trust company's vault. She next saw it in a trust company's office at Sixth and Spring Garden

Streets, Philadelphia. It remained there until just before Griffith Miles was buried.

She brought the will to Doylestown. She first read it after the death of her uncle, Samuel Spencer, in 1889, he having given it to her in 1888, with instructions not to open it until after his death.

She never saw Nathan James, she said, until she met him at Aaron Snodgrass' funeral. Her full name is Lydia Ann Miles Sager. She was named after Mr. Miles' sister. She had never heard Mr. Miles talk about a will. He thought everybody wanted his money. His manner, she said, had always been correct and kind.

In cross-examination Mrs. Weaver stated that she had visited Mr. Miles many times. He last visited her in 1887. He remained to dinner and supper.

She once wrote "a description of slavery" to Mr. Miles while she resided in the South, and he replied. That was the only correspondence they had. She denied having taken a signature of Griffith Miles after his sister's death. She did not ask to look over his papers.

She and Mrs. Mahlon Gilmore looked over some papers in the chest after the funeral. Mrs. Gilmore did not go down and call her husband. She did not remember having mentioned Mr. James' name to Mr. Miles.

The will, however, states that Mrs. Weaver had spoken of Nathan C. James as an honest man. The will is dated '85, and she did not know Mr. James until '87.

Mrs. Weaver said that she remembered mentioning Mr. James' name once to Mr. Miles.

Mrs. Weaver then stated that she couldn't state whether the will was dated '85 or '86, or both, there had been so much talk about it. She had heard a "villain" talk about '86.

"Who is that villain?" asked Mr. Yardley.

"Why, Johnston," responded the witness.

"Didn't you bring him here as a witness?" asked Mr. Yardley.

Mrs. Weaver replied that she had believed him honest. She denied that she had posted Johnston about the birth of the child. She added that she knew nothing about the will.

She gave Johnston money, but did not promise in the presence of his wife to build him a house if he would swear he wrote the will. If Johnson had been honest, she said, she would have assisted the family.

Mrs. Weaver was again asked about her name, and was shown documents bearing her name. She studied the signatures a long time before expressing any opinion as to whether they were genuine.

She knew that her uncle, Samuel Spencer, who

gave her the will, left the city in 1888. She was more than astonished when she learned the contents of the will, and added that she hadn't recovered from it yet.

She heard of Griffith Miles' death through the newspapers on Saturday morning, the funeral taking place Monday. She had the will in Doylestown Saturday before noon. She saw ex-Register Booz. She did not say to him that she did not know the contents of the will.

She said nothing about the will at the funeral. She paid William B. Johnston about \$28. Ten dollars of this she lent him.

Her consultation with Johnston at his house was private. She felt sorry for Johnston. She heard him testify at the hearing that he couldn't read the will he said he had written, but she sent for him after that, as she wished to console him, and gave him some money.

She acknowledged that she was the author of a letter shown her in which she had asked Johnston to come to her house and get more money.

Mr. Lear arose at this point and stated that he supposed the object of this cross-examination was to attack the credibility of the witness.

Mr. Yardley replied that he supposed that that was understood.

"Why should that be done?" asked Mrs. Weaver.

She then stated that she was astonished at the conduct of Colonel Banes and Theodore C. Search, but neither of the gentlemen looked very much abashed at the statement.

After calling several relatives of Mrs. Weaver to corroborate her testimony, the proponents rested, and in *sur* rebuttal the contestants called ex-Register Frank N. Booz, who testified that Mrs. Weaver said in the Register's office, the day the will was offered for probate, that she had not known about the will until some one told her of it at Sixth and Spring Garden that day.

A. Lincoln Spencer stated, as they were leaving after the funeral of Griffith Miles, Mr. Dorsey asked him if he could identify his grandfather's signature. He said he could, and Mr. Dorsey then gave him a memorandum requesting him to come to Doylestown and identify the signature on Wednesday.

Mr. Spencer denied saying anything about Mr. Finney to Mrs. Weaver.

Mr. Yardley, one of the counsel for the contestants, called William B. Johnston, of Roxborough, and offered to show that Mrs. Weaver had offered Johnston a brick house, and to see that his family should not want, if he would go to Doylestown

and testify that he had written the will, and the following day saw him and stated that she had learned that a child had been born after the date of the alleged will and asked him if he could not say the will had been written in 1886 or 1887, and tear out one leaf. This was evidence to contradict Mrs. Weaver's testimony.

Mr. Lear, for the will, objected, as the statements of one party could not affect the interests of others interested in the will. The objection was sustained and an exception granted the contestants.

THE LAST WITNESS

Miss Anna M. Rauch, of Philadelphia, granddaughter of Captain E. H. Rauch, of Mauch Chunk, teacher of kindergarten in Philadelphia, testified that she wrote the signature on the check that was said to be genuine by Lewis B. Maltby, the expert. She wrote it three or four weeks ago, at her home in Philadelphia, from genuine signatures furnished her by her grandfather.

This concluded the evidence in the case that had occupied the attention of the jury for nearly four days, and the Court stated that as there were to be two speeches on each side, he would allow four hours for speech making, two hours for each side, and that two speeches should be made Thursday afternoon.

The importance attached to the case will be seen upon reading the list of witnesses who testified for or against the alleged will. We have given the full record with the date and hour of session.

LIST OF WITNESSES IN GRIFFITH MILES' WILL CASE

PROPONENT'S WITNESSES

JANUARY 28, 1895, 2 P. M.

Joseph A. Bonham, Mrs. Elizabeth Wheat, Mrs. Mary Ann Sell, Mrs. Roxanna Thomas.

DEFENDANT'S WITNESSES

Franklin Craven, John H. Craven, Willis W. Reeder, Mrs. Martha Miles, Joseph Miles.

JANUARY 29, 1895, 9.30 A. M.

Mrs. Rachel Spencer, A. Lincoln Spencer, G. K. Finney, Esq., Charles T. Horner, Nathan C. James, Esq., Rebecca L. Miles, Margaret Lefferts, Isaac Parry, J. Evans Zorns, James A. Greer, Frank Hoagland, John H. Craven.

JANUARY 29, 1895, 2 P. M.

John H. Craven (continued), Clement D. Alderfer, Jacob Peters, Edward H. Rauch, Paul Jones,

James Van Horn, Elias Hoagland, Pearson G. Hendricks, Mrs. Cornelia Todd, Rebecca A. Duffield, Mrs. Ella Gilmore, Rev. Jacob B. Kreusen, Frank Hoffman, Edward Clark, Charles Clark, C. Harvey Yates, Edward Ramsey.

JANUARY 30, 1895, 9.30 A. M.

Mrs. Kate Smith, Mrs. Cornelia Todd, Harry McKinney, Laura Haven, Ellen Gilmore (recalled), Miles Terry, Dr. Persifor Frazer, G. K. Finney.

PLAINTIFF IN REBUTTAL

Mrs. Kate MacIntosh, Mrs. Nellie Borzell, Mrs. Laskey.

JANUARY 30, 1895, 2 P. M.

Samuel Shaw, Edward T. Booz, James W. Morrow.

DEFENDANT'S WITNESSES

G. K. Finney.

PLAINTIFF RESUMES IN REBUTTAL

Mrs. Amanda M. Bushnell, Samuel Dinsmore, Lewis Thebany, Edwin Fleming, Mrs. Mary Hutton, Mrs. Henry Favinger, Archibald Campbell, Pearson Wilson, John Rulon, Lewis D. Maltby, Comely Woodman, Samuel K. Spencer, Henderson Ramsey.

JANUARY 31, 1895, 9.30 A. M.

Miss Sallie Scott (Nathan C. James, Esq., recalled), Mrs. L. A. M. Weaver, Mrs. Elizabeth Wheat, Chapline Dorsey.

JANUARY 31, 1895, 2 P. M.

Ely Dorsey, Mrs. Chapline Dorsey, Nathan C. James, Esq.

DEFENDANT'S WITNESSES

G. K. Finney, Esq., Rev. Jacob B. Kreusen, Frank Booz, A. Lincoln Spencer, William B. Johnston, Miss Anna M. Rauch.

CHAPTER VIII

EXPERT TESTIMONY

JURISTS and laymen differ in opinion upon the value of expert testimony in cases where handwriting and the reality of signatures are in dispute. Where objections exist, it is not to experts as a class, but to their methods of procedure.

Intelligent persons will acknowledge the importance of testimony from individuals, who, by virtue of skill acquired by experience in certain studies, presumably not within the knowledge of the average man, are eminently fitted to throw light on matters of investigation. An ordinary witness can bear evidence to facts, but a skilled expert can testify as to matters of opinion, comparing the true with the false, and is able to give a scientific reason for the difference that exists. Competent experts are not to be classed as ordinary witnesses.

Experts in handwriting whose evidence was offered during the trial, differed materially in their methods of investigation, and as their statements are of interest to the public, these are given in a condensed form. As the testimony of these witnesses was objected to by the opposing counsel, their evidence had, of course, no direct influence in deciding the case.

The first witness of this character offered by counsel for the defendants was Captain E. H. Rauch, of Mauch Chunk. His high reputation, large experience, and careful methods of investigation in cases of forgery, have given him an excellent reputation as an expert in judicial proceedings upon the validity of handwriting.

After having taken the stand, and before testifying, it was admitted that the witness had incidentally been afforded an opportunity to examine and compare a genuine signature of Griffith Miles with the signature to the alleged will, although he claimed that his decision was not influenced by this accident, but was based upon an independent examination of the document. Counsel for the plaintiff objected to the testimony upon the precedent of a decision by the late Chief Justice Woodward, of the Supreme Court of Pennsylvania, in the case of *Travis vs. Brown*, reported in 43 Pennsylvania State Reports, page 9.

The opinion of Chief Justice Woodward is given with the clearness for which he was distinguished. It practically authorizes the jury, and not the expert, to compare the genuine and disputed signatures. To those interested in a decision that has such far-reaching consequences, the full report is worth careful study. For our purposes we quote only the concluding summary. Judge Woodward ruled as follows:

1. That evidence touching the genuineness of a paper in suit may be corroborated by a comparison, to be made by the jury, between that paper and other well-authenticated writings of the same party.

2. But mere experts are not admissable to make the comparison, and to testify to their conclusion from it.

3. The witnesses having knowledge of the party's handwriting are competent to testify as to the paper in suit ; but they, no more than experts, are to make comparison of hands, for that were to withdraw from the jury a duty which belongs appropriately to them.

4. That test documents to be compared should be established by the most satisfactory evidence before being admitted to the jury.

5. That experts may be examined to prove forged or simulated writings, and to give the conclusions of skill in such cases as have been mentioned, and their like.

The objection was sustained by the Court. Judge Yerkes refers to this in his charge to the jury.

The evidence of Captain E. H. Rauch had been accepted by the Register of Wills in the spring of 1894 in the proceedings under a caveat; a condensed statement only is given, and in the form of

NARRATIVE

Having carefully examined the paper purporting to be the will of Griffith Miles, dated September 15, 1885, I am perfectly satisfied that the five pages and the names of Griffith Miles as the testator and Samuel Spencer, W. L. Craven and William B. Johnston as subscribing witnesses, were all written by the same hand.

The reasons for this conclusion are many and strong, and, in my judgment, are conclusive.

Evidently the writer endeavored to change his or her natural manner of writing by stronger sloping and extending. But, as usual in such cases, a number of the peculiar characteristics of the writer's regular hand are found on every page.

The difficulty in such an undertaking is that writers are unable to concentrate their minds on the subject and also, at the same time, on the assumed method of writing. The natural tendency, especially in writing, consecutively, a number of pages, is to forget to simulate, and naturally manifest their personality and characteristic handwriting.

Illustrations by means of blackboard would present ocular evidence of the several reasons for my firm belief that the paper and signatures were all written by the same hand.

I find that the average number of letters in the first twenty lines of the first page, counting each space between words as one letter, is 28, and the average number in the last twenty lines on the fifth, being the last page, is 35 letters, showing that the writer gradually and naturally drifted into his or her own usual and more condensed habit of writing.

The same tendency to drift to the more condensed habit appears yet more prominent in a number of single lines, usually commencing with large and extended writing and gradually lapsing into a natural condensed hand at the end of the line. The following illustrations are in point :

On page 1, 14th line

First word

Last word

known known

On page 2, *Death living*

the and

their Spencer

Ann has

Also, on the second page, the word "grandfathers," 12 letters, occupies within an eighth of an inch as much space as the succeeding words "all other personal" being 18 letters including two spaces between the words. The difference between the beginning and ending of the line is easily seen:

grandfathers
all other personal

Evidently it was the habit of the writer to start long letters, such as "h," "b," and "l," by an *upward curve*, thus:

h b l

But the object being to disguise the hand, the writer adopted the *straight upward line*:

h b l

Counting 91 letters of this character, I find that the writer adhered to the straight up line 66 times, and forgetting 25 times to do so by starting the letter with the upward curve habit.

Another habit of the writer is ending the small "s" at the end of the word with a down curve from left to right, thus:

Miles

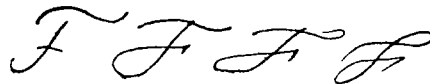
The name of "Miles," in the body of the will, is in every respect the same as in the signature, and with the same curve or tail annex referred to. The importance of this point is that none of the many undisputed signatures of Griffith Miles had any such annex to the "s." This one point, without referring to any other, goes very far to prove that the paper and signatures were written by the same hand. Going over the paper and counting the words ending with the small "s," I find the tail referred to occurs 120 times and the omission 89 times.

In the body of the paper I find five different forms of the capital letter "T," which also goes far to prove that the writer endeavored to get away from his or her usual manner of executing the letter.

The different forms are substantially this :



and a similar confusion or inconsistency appears in the capital letter "F," thus :



As to the capital letter "S," there is a general uniformity all through the paper, thus :



Evidently the writer became impressed that the form of the letter should also have been changed, and in the hope of doing so, adding an open loop at the top was attempted, and the result was this :



These occur near the foot of the first page of the will. Of course, the forger had sense enough to give it up, as no such notorious bungling appears on any of the succeeding pages.

THE FORGED SIGNATURES

Examining the principal signature, without any comparison, I fail to find anything irregular in the "Miles," but the comparison with the names in the body of the will, shows, as already stated, that it was done by the same hand.

As to the "Griffith," the evidence is fraud.

This is a fair specimen :

Notice the two "i's," the one preceding and the other following the "ff" ; the first one is an awk-

ward curve, and followed by raising the pen and a pause. The second is neat, clean, and perfect.

Notice also the upper loop of the "G," being a fine hair line both up and down as far as the initial line of the letter, and then the curve is made with the spread of the pen.

The same peculiarity occurs in both the Spencer and Craven signatures—slightly only in Spencer, but prominently in both "L" and "C" in Craven. All four referred to are as follows:



and the name of Samuel Spencer was written slowly, evidently to imitate a genuine signature. Coming to the "u" in Samuel, the pen was raised, and the result is this:



In Spencer the pen was also raised between the "e" and the "n." The peculiarity of the "p" occurs all through the five pages of the paper. The letters "L" and "C" in the Craven signature are also entirely consistent with the same letters on the body of the will.

After repeated examinations of the paper, with the naked eye and also the use of the magnifier, I failed to find a single point that is in the slightest

degree inconsistent with the conclusion that the Griffith Miles' will is one of the most notorious frauds in all my experience. In the well-known Whitaker will case, tried at Philadelphia about fifteen years ago, there were only three or four strong points to prove that the Whitaker signature and, that of Thomas F. Roulette as a subscribing witness, were forged. But they were sufficient. In the Miles case the number is multiplied, and the serious discrepancies much greater. The evidence against the Miles signature alone is much stronger than that in the Whitaker signature.

In the foregoing, I confine myself strictly to the one fact of forgery, ignoring the question that may naturally present itself as to the individual who perpetrated the crime.

E. H. RAUCH.

During the morning session of the third day, Wednesday, January 30, 1895, the defense called as an expert, Dr. Persifor Frazer, the author of "A Manual of the Study of Documents." In this treatise, he reports at length the case of *Travis vs. Brown*. The recitation of the proceedings, the decision of Judge Woodward, with the editorial comments thereon, gave the opposing counsel an opportunity to object to the witness on the ground, that as an expert, he could not under the decision

of Judge Woodward make comparisons. The evident desire to prevent Dr. Frazer from testifying was an unintentional compliment to his ability.

Hugh B. Eastburn, Esq., counsel for the defendants, stated to the Court the formal proposition :

DEFENDANTS PROPOSE to hand to this witness the test papers which have been offered in evidence with the signature of Griffith Miles, and ask him to analyze and explain their characteristics to the jury. He is an expert in the subject of handwriting who has made a study of the subject, the matter of inks, the matter of the formation of letters, and by measurements of distances and angles, he is prepared to show to the jury the characteristics which prevail in the signature as developed in the signatures which he has before him. We, therefore, propose to hand him the various test papers which have been offered in this case as the genuine signatures of Griffith Miles, and ask him to show to the jury what are the characteristic features of that signature, without giving any deduction or opinion of his own as to the genuineness of any signature.

The witness, being on the stand, and having testified to his knowledge of handwriting, the defendants propose to offer to him for his examination, the signatures now in evidence of Griffith Miles, which are admittedly genuine for the purpose of enabling the witness to explain to the jury the characteristic

features and qualities of the signature of Mr. Miles, as evidenced by the signatures in evidence.

By MR. LEAR : Objected to by plaintiff.

By THE COURT : Objection sustained. To which ruling the defendant excepts, and a bill is sealed for defendant.

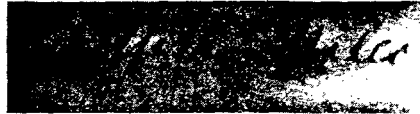
Defendant offers to hand to the witness the signature in dispute, and to have the witness explain to the jury the characteristic features of that signature, the witness having seen genuine signatures of the testator before being called to the stand, and to give his opinion of the genuineness of the signature in dispute.

By MR. LEAR. Objected to, because the witness then is testifying, not as an expert, but from knowledge.

By THE COURT. Objection sustained. To which ruling defendant excepts and a bill is sealed for defendant.

The investigations made by Dr. Frazer are no part of the record of the case, having been ruled out by the decision of the Court. As a sidelight they are of interest because of their thoroughness and difference in method from other experts. The table of measurements illustrates the numerical and graphic average of a number of undisputed signatures as compared with the alleged will (SEE PLATE E.)

SIX UNDISPUTED SIGNATURES



August 8, 1881



August 10, 1885



August 10, 1885



October 2, 1885



April 6, 1886



October 22, 1886



Composite

PLATE H

Also measurements in millimeters of the signatures of two alleged witnesses.

In addition to this, Dr. Frazer was prepared to exhibit to the jury, under the microscope, photographs of certain undisputed signatures of Griffith Miles and also a composite photograph, and plates. (SEE PLATE H.)

The following extracts are from his notes prepared for use during the trial.

UNDISPUTED SIGNATURES—MANNER OF WRITING

The signature begins with a short inclined hair line. The pen was held with the concave part towards the left and unusual pressure was brought on the top of each letter. The horizontal distance over which the pen could move without change was small, and the signature is cut up into small sections at the conclusion of which it was either lifted from the paper or the hand was moved while the point of the pen rested on the table, which caused a termination in a thick line connecting with a thin one which commenced the next section.

Thus in number 1 the pen was probably lifted at the completion of the upper part of the "G" and the down stroke of the tail was drawn over the termination. The tails with "r" and "i" were made without evidence of lifting of the pen. At

the termination of the downward part of the "i" the hand was shifted while the pen remained on the paper or it may have been raised altogether, terminating in a thick blunt end with which a thin line connected the first "f." After the down stroke of this latter, a complete break was made and the second "f" was written separately, as was the "i," the latter showing a tendency noticeable in all the undisputed signatures to alter the slant abruptly at the moment of taking off the pen. "Th" were then written and then the cross of the "t" was made. "Mil" was then made and the hand moved along when the final "es" was added with a scarcely perceptible break but the usual wavy junction between the last sections. The pen was removed from the paper nine times in writing this particular signature. The small letters of "Miles," larger than those of Griffith. The "ff" straight or concave toward the right. Down stroke of tail of "G" below top of following "r" in all but one signature. Bottom of first "f" lower than second.

MANNER OF WRITING DISPUTED SIGNATURES

The signature begins with a long comparatively horizontal line well curved and shaded. (SEE PLATE E.) The letters taken together have a characteristic slant greater from the perpendicular than that of

the genuine signature and more uniform. The concave part of the pen was turned towards the left. The "Gri" was made with removing the pen from the paper. The tail of "G" is definitely and symmetrically formed, the loop well made, in spite of a slight flattening on the right hand side. The loop is narrow and oval instead of being rounded, irregular or missing, as in the genuine signatures; "ff's" were made without lifting the pen and the lower loop of the second "f" was made by carrying the pen to the left of the down stroke instead of to the right, as in the undisputed signatures where the loop exists at all which are exceptions to the general rule. The top loop of the second "f" lies close to the guide line and is hardly higher than the top of the following "i" which does not occur in any undisputed signature. The pen was raised at the termination of the downward stroke of the "f" and a horizontal cross was made low down and connecting with the loop of the following "h." This never occurs in the undisputed signatures where a hair line connects, or almost connects, with the "h" by an upward stroke and the cross of the "t" is independent and invariably above the commencement of the "h."

The "h" of the signature terminates with a singular horizontal dash to the right, different in form and direction from any undisputed signature.

SIGNATURE OF THE WILL

The first stroke of "M" was a downward stroke terminating in a small circular closed loop. There is no instance of a closed loop or so small a finish in any of the undisputed signatures in the very rare instances where there is any turn at all at the bottom. Nor is there in any signatures but that marked "X" and a cheque to Harman Yerkes of November 26, 1883, for \$156, evidence of the first stroke of the "M" being a downward one, and it is not certain in either of these, while quite so in the will signature.

Both branches of the "M" are parallel and are more inclined than in the undisputed signatures and the entire word "Miles," with its narrow looped "l" and "e" and its singular flourish at the end of the "s," appears to have been written without taking the pen from the paper or shifting the hand while the pen was on the paper; such change appears in most of the undisputed signatures examined. Small letters of "Miles," smaller than of "Griffith." Tail of "G" as high as top of following "r." Bottoms of the "ff's" on a horizontal line. The "ff's" are concave to the left.

GENERAL REMARKS

Under the Stanhope lens and the 8/10 microscopic objective, the writing of the undisputed signa-

Guthrie Notes	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	Price of										
	Linear Measurements																	Angles with horizontal in degrees																		
Undisputed signatures																																				
Description of document	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30						
Ech J R) Apr 20 81 night	40	45	5	17	2	85	15	8	4	9	7	35	5	4	3	4	25	60	60	58	60	60	64	69	60	1 small letters of letters largest										
" K Oct 2 85 "	40	195	4	14	25	10	2	6	6	8	7	45	5	3	3	35	25	71	70	69	65	60	65	60	57	3 upper part 3 lower part 4 average										
" P Apr 6 86 "	38	18	4	16	2	85	2	65	7	105	9	5	5	5	4	45	2	68	67	67	66	60	62	61	60											
" Q Apr 10 85 "	425	205	4	18	15	8	3	9	8	95	7	55	55	6	5	55	2	61	55	63	59	58	63	70	40											
" S Oct 29 86 "	47	215	45	205	3	7	3	10	8	95	95	55	65	55	45	45	2	65	63	61	59	56	75	71	60											
" July 2 86 night	414	235	3	18	3	2	3	8	6	105	105	6	6	45	5	55	2	68	63	70	63	63	73	66	50	3 average of lower 35										
" J (2) Feb 17 81 night	39	18	45	145	25	65	15	7	65	8	6	55	55	11	35	35	15	60	55	55	57	55	55	61	57	6 average towards right										
" J (3) Feb 18 81 "	37	18	5	14	2	7	3	55	55	9	85	5	5	5	4	35	15	70	70	65	66	65	69	73	65											
" J (4) Mar 2 81 "	375	19	45	135	25	8	25	6	55	75	8	45	55	4	35	35	15	75	64	64	66	66	73	72	65											
" J (4) Mar 18 81 "	40	20	35	18	35	8	15	8	45	95	75	45	5	45	4	5	2	60	56	56	55	54	67	65	66	7 direction of X to O										
" J (5) Dec 15 81 "	385	19	3	16	2	75	35	55	65	8	75	5	55	4	35	35	2	65	57	52	51	50	54	59	50											
" T Oct 6 85 "	41	18	3	145	3	65	15	85	65	105	85	55	5	6	5	2	64	65	63	58	57	73	71	2	5 You did not mark 9 letters of con. are large as to right 10 letters straight 11 one 1's straight											
" R Feb 2 87 "	43	20	5	18	25	75	35	75	55	11	9	45	5	55	55	5	6	2	62	66	66	63	62	68	72	60										
" G Aug 14 83 day	375	181	4	15	2	911	1	8	45	75	7	5	55	45	4	45	2	60	60	60	59	58	72	60	48											
" L Feb 3 86 "	41	20	4	17	3	10	25	75	6	8	75	45	55	45	35	45	2	70	65	60	57	56	54	61	50											
" M Aug 10 81 "	37	185	35	155	15	75	2	7	5	6	5	5	45	4	35	35	15	72	60	58	58	57	70	65	60											
Average	40	18	19	40	10	3	17	2	40	8	23	73	5	9	8	8	7	48	49	5	31	42	40	43	18	4	1	1	4	15	10	7				
	0	1	0	0	0	11	13	0	2	14	1	11	0	11	5	15	4	0	2	0	0	0	0	0	0											

Samuel Spencer Description of Document	Measurements in Millimeters										Angle with horizontal			
	a	b	c	d	e	f	g	h	i		j	k	l	m
	L	T	g	a	c	a-f	f-g	f-A	h-T	over small letters on Samuel Spencer	L	L	L	p
Tower of attorney Samuel to Spencer Norace to Spencer Dec 9. 1887	4900	700	1800	2100	450	900	1400	233	250		50°	50°	50°	60° concord and 177
Tower of attorney Samuel to Spencer Rachel to Spencer Dec 9. 1887	5100	700	1700	1950	500	900	1500	221	250		50°	50°	50°	55°
Receipt to C. J. Horner # 89. 18	6400	900	2100	2450	900	1200	1800	237	208		50°	50°	50°	55°
Annunciation of right &c Jan 21 1888.	6100	1050	1600	1850	600	1100	1500	207	207		50°	50°	50°	55°
Averages of the above four signatures	5700	837	1800	2062	612	1025	1550	224	228		50°	50°	50°	56.25
Differences to c between averages and measurements of disputed signature	15	7	25	29	19	23	7	28	44		50	0	50	38
"Samuel Spencer" affixed to the alleged will	6700	900	2400	2900	500	800	1600	162	128		25°	50°	25°	35°

PLATE K

<u>W. L. Craven</u> Description of documents	a	t	c	d	e	f	g	h	i	j	k	l	m	n
	Measurements in Millimeters									Angles with horizontal				
"W. L. Craven (G.S.)" Endorsement of cheque for 200 to order of W. L. G. National Nat Bank dated April 1, 1850. Signed Casper G. Little	42.5	8.0	1.0	35.5	6.0	6.0	8.0	7.5	5.43	70°	68°	65°	61°	65°
"W. L. Craven" As witness to the signature "Griffith Kilke" to the alleged will	47.5	12.0	1.0	34.0	7.0	5.0	7.0	6.5	6.79	40°	40°	35°	30°	45°
Difference per cent between the two	8	34	0	3	15	17	13	14	21	43	42	47	51	31

Examination of the signature W. L. Craven on the alleged will, and of W. L. Craven on a cheque which is unquestionably genuine.

tures seems to have been done by a less skillful penman and one who turned the concave part of the pen inwards or towards the left in such a position that he could not produce shading at the lower extremity of his larger letters while moving the pen from left to right.

The pen that wrote the signature to the will was turned towards the right and the heavy marks in the genuine signature are represented by light in the will.

The ink employed in writing "W. B. Johnston" was different from that of the other witnesses signatures but similar to that used in writing the words "Griffith Miles."

The color absorption of the inks employed in writing "Samuel Spencer," "W. L. Craven" and parts of the body of the will are similar.

The angles with a horizontal line of the following letters in the body of the will were 30° , *i. e.*, the "f" and "t" in "after" (seventh line from the bottom of last page), the "g" in "signed," the "p" of "September" (fifth line from the bottom) and the "b" of the same word. The slope of the whole writing in the body of the will is close by 30° . (SEE PLATES I, K. L.)

The same angle is observed in the words "William B. Johnston."

The ink lines in the signatures, as well as those

in the body of the document, are thin and light. The top of the loops of small letters in the signature "William B. Johnston" and in the body of the will show a darker spot of ink.

PERSIFOR FRAZER.

After the Court had decided for the reasons stated to sustain the objections of the plaintiffs to the testimony of experts who had been permitted to examine and compare undisputed signatures with the signature to the will, it was not deemed expedient to offer additional evidence of the same character. The annexed statement is, therefore, printed as in line with the previous reports of Capt. E. H. Rauch and Dr. Persifor Frazer.

EXAMINATION OF THE PURPORTED WILL OF GRIFFITH
MILES, BY RUFUS C. HARTRANFT, EXPERT IN HAND-
WRITING.

In response to the request of Mr. Theodore C. Search, I made a careful examination of the will hereinafter mentioned, on or about the twentieth day of April, 1894, in order to determine whether it was written entire by one hand.

The delicacy of touch or pen pressure used to write this will indicates it was not the work of one possessing muscular strength, therefore, the doubt

arises that it could have been written by a masculine hand. I would pronounce it the work of a person having special familiarity with a fine grade of pen, *not* a pen fitted for ordinary commercial writing or heavy penmanship.

Many of the lines, especially those beginning a letter and those terminating a word, are unusually faint and fine, which indicates that the writer was an expert writer, and *unusually* familiar with the use of the pen, and of very light "touch."

Many of the capital, or large letters, are of eccentric character, which peculiarity is nearly harmonious throughout the entire document. The more peculiar capitals are the **F, B, L, C, T, I, J,** and the use of the small "g," enlarged to unusual size **g**, suffice for the capital "**G**" of the ordinary and well-known Spencerian standard, which evidently was the standard which the writer approached in natural form of writing (at the time of making the will).

The strong characteristic which next challenges criticism is the lead line to the "**C,**" "**G,**" "**H,**" "**T,**" and "**F,**" each of which has the double curve which corresponds with the "ogee" in architectural nomenclature, and has been termed the ogee line, being an *out* and *in* curve. This movement is a very unusual one and is *seldom* found in the writing of other than elderly persons.

The capital letter "B" is of peculiar formation throughout the entire will ; in the superscription, in the word "Bucks," and also where it occurs in "William B. Johnston," where it appears as a part of the name of one of the subscribing witnesses. In all these instances it is of nearly the same formation, that is, it runs to a point, then declines below the middle of the letter, approaching but not meeting the post, runs up to a point and then declines to the base or below the base.

The capital letter "C" throughout the will resembles the "C" in the word "Craven," where it occurs in the name of one of the subscribing witnesses. Its most noticeable feature is the ogee line with which it begins, also its termination which occurs midway between the base and top.

The letter "S" as found in the word "Spencer" is not in harmony with the letter "S" in "Samuel." The letter "S" closely approaching these are found throughout the will.

The letter "C" on line III of the will is almost identical with the "C" in "Craven" at the end of the document.

The very noticeable punctuation occurring throughout the document is indicative of the habit of a careful writer, and one whose fingers were both deft and pliable, again indicating a person who constantly uses the pen.

The peculiarity of terminations, more particularly that of the small "s" noticeable throughout the document (*in more than forty instances*), also occurring in the word "**Miles**" at the end of will, also in the word "**Miles**" in the superscription, also in the word "**his**" in the superscription; also in the word "**Miles**" in the signature of the superscription, which remarkable peculiarity indicates that the curl to the letter "s" was a fixed and unchangeable habit of the writer, which could not be disguised.

The extreme leaning of the letters throughout the will, in the superscription, and in both the signatures, "**Griffith Miles**," particularly noticeable in the two "f's" in "**Griffith**," also in the word "**After**," in the letters g, y, f, l, ff, p, and in the word "**forever**."

The peculiar formation of the letter "W" in "**William**," in the name "**William B. Johnston**," being of the same character as shown in the small "w" throughout the will. The first post being higher than the second, and very much higher than the termination.

Peculiar joining of the letter "f" with other letters in running from the lowest point into the loop of the succeeding letter, without an angle intervening. This occurs many times throughout

the will, as it does in the two signatures at the end and at the superscription. The marked similarity in the words "**Griffith Miles**" throughout the will and the signature to the will, and in the superscription. The word "**Griffith**" on line 139 being of similar length to the two at end of will, indicating, in great measure, that they were made by the same hand, again indicated in the fact that the "th" in all instances where occurring in "**Griffith**" are almost identical in formation, in an open "t," an "h" lower than the "t," and the terminating line of the "h" bold and shaded.

Peculiar high post of the small "r" throughout the will as a peculiarity.

Peculiar emphasis in the middle of many small capitals, which is in harmony with the accent on the "h," on the "i," on the "e" where occurring in "**Griffith**" in the signature and superscription.

The ogee line of the capital "T" throughout the will is identical with the same line in the word "**Griffith**" in the signature, a characteristic fully as marked as the termination to the small "s" above mentioned.

The above comparisons represent a few of the many marked peculiarities of the writer of this will. They are not, however, more important for consid-

eration than the differences in the words "**Griffith Miles**" as shown in the signature

Signature showing five pen lifts, the "t" not joined to the "h."

Superscription showing four pen lifts, the "t" joined to and a part of the "h."

as compared with the "**Griffith Miles**" of the superscription. In the superscription the "**Gri**" are written together in one pen movement, the two "**ff**" in another pen movement, the "**it**" in another pen movement, and the "**h**" in another pen movement—the "**h**" also forming the cross-bar for the letter "**t**." The word "**Miles**" in one pen movement, making in all five pen movements by which is meant:—that these two words were written by lifting the pen five times, which under ordinary circumstances is to be considered characteristic of the habit of the writer in signing his name, Griffith Miles.

Throughout this signature, there are evidences of effort, drawing, hesitation, and yet the letter "**h**" indicates the writer to have been a person of *marked ability* as to the use of the pen.

Last Will and Testament
of Griffith Niles Esq. resident to
William C. James, Lawyer at Lexington
Bucks County, after his Death

Griffith Niles

In the superscription, the words "**Griffith Miles**" are written in four pen movements, the word "**Griffith**" having been written *entire without lifting the pen other than the termination of the "h,"* which again indicates the ability of the writer.

We, therefore, are to consider two genuine (?) signatures of Griffith Miles, one written by lifting the pen *five* times, and the other by lifting the pen *four* times—*of the nine lifts only two agree*. This comparison and analysis in itself is sufficient to deny the possibility of *either* being the genuine signature of Griffith Miles. This statement is verified when we compare these two signatures with the word "**Griffith Miles**" in the will, and find that *all three* contain the same characteristics, the same terminations, and, therefore, cannot be considered the work of any but one person. [SEE PLATE M.]

It is not possible to form a correct opinion regarding a disputed document from the similarity of one, two, or three letters. Supposition becomes fact in comparison, when the entire alphabet can be matched or found reproduced in the same paper, in similar words, characters, names and signatures, and, therefore, it is not doing this particular document injustice to state that every external evidence of its makeup, points to its being written entirely by one hand, and in passing judgment upon it, I am governed only by those features which are apparent

and may be readily recognized by any one who will exercise care and patience in making the comparisons as herein outlined.

I have carefully avoided any statement as to metrical measurements or to any points which are to be seen only by use of the microscope, neither have I considered any combination of probabilities, which would give this opinion a scientific character, for the reason that I believe that it is the business of the expert in handwriting to see the comparisons plainly and clearly as they are common to the eyes of all who will carefully look for them, believing that the work of the expert in all cases should be to simplify, and not to mystify. The purported will of Griffith Miles, as adjudged by the comparisons herein noted, in my opinion is *an undoubted FORGERY, both as to the signature of Griffith Miles, as to the signature of Samuel Spencer, as to the signature of W. L. Craven, as to the signature of William B. Johnston*, all four signatures and the handwriting in the body of the will are by one and the same individual.

RUFUS C. HARTRANFT.

NOTE.—Since this trial, attention has been directed to the decision of Judge Woodward, and a law has been passed which permits experts in handwriting to compare forgeries and genuine writings. (See appendix.)



HUGH B. EASTBURN, ESQ.

CHAPTER IX

ARGUMENT OF COUNSEL

ALL the testimony having been closed the pleadings of the attorneys were then offered.

The case for the plaintiffs was opened by E. W. Kuhlemeir, Esq., of the Philadelphia bar. For over one hour this gentleman occupied the time of the Court by a general review of the evidence presented by both parties to the suit. At the conclusion of his address the Court adjourned until Friday morning, February 1.

MR. EASTBURN'S SPEECH

Mr. Eastburn opened by referring to the haste with which Mrs. Weaver came to Doylestown with the will the morning she heard of Griffith Miles' death. The fact that this will confides Griffith Miles' old sister, his companion all the years of his life, to the care of Lydia Ann Weaver, is enough to at once awaken suspicion. The speaker said in all his experience as an attorney he never knew a

case where the authorship of a genuine will could not be traced.

With a blackboard placed on the counsel's table before the jury, Mr. Eastburn analyzed the will signatures and compared them with the genuine signatures of the testator and witnesses. Taking the signature of W. L. Craven, Mr. Eastburn handed to the jurors a number of papers containing Craven's genuine signatures. All the genuine signatures, one hundred of which had been offered in evidence, showed great similarity and contained certain peculiarities wherever found. The "L" and "W" of the will signature contain straight lines; there are none such in the genuine signatures. In nearly all the genuine Craven signatures the "a" is open; it is not so in the will signature. "In all the capital letters in W. L. Craven's signature in the will," said Mr. Eastburn, "we claim there are such discrepancies from the genuine as to condemn them beyond the hope of resurrection."

Turning next to Samuel Spencer's signature, Mr. Eastburn showed that, while there was great variance in his genuine handwriting, he did not write his signature in 1886 or 1885 anything like the Spencer signature on the will.

Lastly he took up Griffith Miles' signature. He showed that the general angle of the letters of Griffith Miles' signature with the ruled line in the

will was different from any other of the many genuine signatures before the jury. Genuine signatures of Miles were handed to the jurors for comparison. In the true signatures the slope of the letters is more nearly perpendicular than in the will signature.

Again the capital "G" in Griffith starts differently from any "G" in the genuine signature. The "th" in Griffith in every one of the thirty-five true signatures before the jury is invariably crossed with a little line near the top of the "t." This is not the case in the will signature. Then the two parts of the capital "M" in Miles are nearly equal in length in the genuine signatures. They are not at all alike in the will signature. The final "s" in Miles ends with a little curl to it in the will signature. In no instance is this a characteristic of Miles' genuine signature. This tell-tale "s" with its little curl occurs seventy-three times in the body of the will, proving the theory of the caveators that the person who wrote the signature of Griffith Miles wrote the will itself. Furthermore, the second "i" in Griffith is a perfect letter, showing that it was done by a skillful penman.

There is a difference in spacing, which shows that the effort at imitation could not be sustained to the end.

Griffith Miles was neither a prophet nor the son of a prophet, yet he foresees the birth of a child, a son named Griffith, to Joseph Miles, and leaves a legacy to him. In order that Mrs. Weaver might not appear to be too omniverous, this legacy was inserted.

Referring to William Johnston, Mr. Eastburn said if he had been a *bona fide* witness, he need not have been paid to come to Doylestown to testify; he could have been brought here by process of law. Mr. Eastburn referred to the fact that the signature of Samuel Spencer was in the possession of Mrs. Weaver's sister, and W. L. Craven's was in her brother-in-law's possession. He also read portions of the will to show that nearly the whole estate eventually goes to Mrs. Weaver or her children. He said he did not doubt but that Mr. Nathan C. James' position in the case was embarrassing to him; he knew nothing of the will until after the testator's death.

Mr. Eastburn questioned whether Griffith Miles would have summoned a myth to write his will. Would he not have summoned Mr. Ross or Mr. Finney? He did not, but the will drops out of the clouds; it is a waif. Mr. Eastburn asked the jury to put upon the will the seal of its disapproval of that paper as the spawn of crime and the result of the cupidity of these people.



ROBERT M. YARDLEY, ESQ.

MR. YARDLEY'S SPEECH

Mr. Yardley said he could not hope to add anything to the able and exhaustive argument of his colleague, Mr. Eastburn, but his duty to his clients and a firm and unfaltering faith in the righteousness of their cause prompted him to offer a few words in defense of Griffith Miles and his just and legal heirs.

“ Griffith Miles and his sister lived together under the same roof for more than ninety years, and yet the proponents of this will would have you believe that in his declining years he sat down in the presence of his sister and wilfully and deliberately gave all his property to strangers, and then consigned his aged sister to the tender mercies of ‘ this jewel, Mrs. Weaver.’ For more than ninety years, Griffith Miles lived in Bucks County, an honored and respected citizen. The men and women who knew him best, come here and tell you that he repeatedly told them that he had not made a will, would not make one, and that the law made a good enough will for him. Lydia Ann Miles Weaver comes into Court to get his money by a false and fraudulent claim, assails his character, and asserts that he lied when he made these declarations. No man dared believe a word against the character of Griffith Miles in his lifetime ; he is dead, but for him and in his name, I hurl that imputation

back to her who made it and brand it false as hell. Three times in that will Lydia Ann Miles Weaver makes Griffith Miles name the date September 15, 1885, and yet she says there was a mistake made in the date. Gentlemen, that story wouldn't even do to tell

'Out on the prairies where the heathen children dwell,
Who never read the Bible or hear the Sabbath bell.'

"With all the influences they had around them they made one fatal mistake when they didn't ascertain a little more clearly when Griffith Miles, Jr., was born."

Facing Mrs. Weaver who sat at the end of the table behind him, Mr. Yardley extended his hand toward her and continued: "Ah! Mrs. Weaver, there was your great mistake. You needn't to have been in such a hurry to get up this will. My dear woman, had you been more cautious you would have saved yourself a great deal of trouble. The little child of Mr. and Mrs. Joseph Miles stands as a lion in your path in your attempt to take Griffith Miles' property against his will."

Where is their man William B. Johnston? Their expert tells them that the man who signed his name as witness, Johnston, was the man who wrote the will. Yet they haven't him here, "and they say it's the will of Griffith Miles!" said Mr. Yardley, with fine sarcasm.

Looking at the provisions of the will, it will be seen that Lydia Weaver gets all. An examination of the provisions of the will shows that Mr. James can get nothing, except his commission, as one of the executors. "He is a reputable citizen," said Mr. Yardley, "and has had absolutely no connection, as shown by the evidence, with this remarkable will."

Referring to the attitude of Theodore C. Search and Colonel Charles H. Banes towards the case, Mr. Yardley said that, to their honor, they had brought the suit in the names of these old people, the lawful heirs of Griffith Miles.

"This will," said Mr. Yardley, "is a fraudulent, spurious, bogus and ungodly paper. There never was a clearer case of fraud in the Courts of this county. On behalf of the defendants, the caveators against this will, we ask at your hands, gentlemen of the jury, a verdict which shall say that this will is false and that the legal heirs of Griffith Miles are entitled to his property ; which shall say to Lydia Ann Weaver and all other ungodly people, before you can come up into Bucks County and steal a farm from one of our citizens you must have the verdict of twelve honest men. You should render such a verdict as will show to the good people of Bucks County that law and order, truth and justice still prevail."

THE CLOSING SPEECH

Court adjourned Friday morning at the close of Mr. Yardley's eloquent speech. In the afternoon Henry Lear, Esq., entered the arena on behalf of his clients. Mrs. Weaver remained seated in the chair she had occupied throughout the week, near her counsel's table, where she became the centre of all eyes. Only once did she flinch, and that was when Mr. Yardley hurled some invective at her.

Mr. Lear, in his address to the jury, presented his side of the case in the best light possible to obtain under the circumstances. He left no stone unturned in his effort to win in what ninety-nine men out of every hundred believed was a losing cause.

His management of the case, where knotty legal questions occurred, had been masterly, and he was prepared at every turn; but the preponderance of evidence was against him, and the very will itself, with its strange and contradictory statements, was a stumbling block in his path.

He told the jury that the justice of Mrs. Weaver's cause claimed from them the most careful consideration. It had been said that upon the one side were dressmakers and boarding-house keepers, while upon the other were bankers and manufacturers. This was true. Yet has it come to this,



HENRY LEAR, ESQ.

that this woman is not to find justice in the Courts of Bucks county because she and her friends may be engaged in an humble calling?

The attempt to influence the jury by calling attention to the wealth and power arrayed upon the one side was wrong, Mr. Lear said. The case was an important one, perhaps one of the most important, except those where lives had been at stake, ever tried in the county. A man's will is not a thing to be lightly thrown aside after he has gone to his grave, where he can utter no remonstrance.

TURNED TO THE SIGNATURES

Mr. Lear then turned to the signatures in the will. It was not strange that they should differ from others acknowledged to be genuine. It is a physical impossibility for any man to reproduce his signature twice in precisely the same form. He dwelt upon the fact that the defendants had failed to disprove the signature of Samuel Spencer. If the jury believed Samuel Spencer's signature to be genuine, then they need go no further.

If the jury could find a motive for the making of this will in the manner set forth by its contents, that motive would go far toward determining whether it was genuine.

Mr. Lear then recited events in Mrs. Weaver's

life as related by her, describing how she had grown from an interesting girl to charming womanhood.

THE MOTIVE FOR MAKING THE WILL

Griffith Miles knew her and saw her frequently. There was a tinge of romance in the case, he said. Griffith Miles had asked Mrs. Weaver to marry him. "He loved her," said Mr. Lear. That fact disclosed the motive for the making of the will.

Griffith Miles also wished Mrs. Weaver to look after and care for his aged sister, Lydia Miles. His intention to provide for those nearest and dearest to him was shown in this way. He wanted an attorney to act in conjunction in the execution of his will with Mrs. Weaver. He remembered what she had said about Mr. James, and he naturally sought the attorney whose name he had heard her mention.

It was natural, also, that he should not ask his neighbors to assist him in making this will. He sought his old friend, Samuel Spencer, in Philadelphia, who boarded at a hotel which Griffith Miles frequently visited. Where all is mystery we must go back to the motives in the case.

If you believe Samuel Spencer ever handed this will to Mrs. Weaver, then the problem is solved and the will is genuine. Griffith Miles knew that

if his old neighbors were made aware of the contents of his will, it would have made him the laughing stock of the neighborhood. It was not unnatural that he should say that he had not made a will. It was his desire to thus disarm suspicion.

THE BIRTH OF THE NAMESAKE REFERRED TO

Mr. Lear then referred to the birth of the namesake to whom the will bequeathed a legacy before the heir was born. The old gentleman had written his will. He learned of the birth of the child later. Then why should he not have gone back to William B. Johnston and added this legacy after the others, and had a new will written, not changing the date, which was the anniversary of his birth?

The will from beginning to end bears the impress of originality. It is not composition; it is conversation. Would a forger interject such expressions as appear in this will? The document was characteristic of a testator of that age.

THE CONVERSATION AT THE FARM GATE

Mr. Lear referred to the alleged conversation between Mrs. Weaver and Griffith Miles at the old farm gate. If the jury could believe that conversation took place they need not guess, nor conjecture, for there was the evidence upon which they could

stand, and upon which they could say, this is the last will and testament of Griffith Miles.

The argument of Mr. Lear was a forcible and masterly one, and even those who did not agree with his deductions complimented him upon his masterly conduct of what was subsequently decided to be a "lost cause."

Messrs. Eastburn and Yardley, for the defendants, eloquently placed their case in a clear light before the jury and by their great ability as counsel throughout the entire trial added lustre to the high reputation of the Bucks County bar.

These gentlemen, who were assigned to address the jury, were ably seconded during the entire case by their associates on either side.



HON. JUDGE HARMAN YERKES

CHAPTER X

CHARGE TO THE JURY

AT the close of the argument of Mr. Lear, the following charge of the Court to the jury was delivered February 1, 1895, by Hon. Harman Yerkes, President Judge.

Gentlemen of the Jury :

You have been sworn to try the validity of a certain paper writing alleged to be the last will and testament of Griffith Miles. This case, as has been said by counsel upon both sides, is one of unusual importance. A large amount of money is involved in the result of your verdict, the accumulations of, probably more than an hundred years, by Griffith Miles and his father.

It needs no argument to show you that if Mr. Miles so desired, he had every right, in justice and equity, to dispose of his property as he saw proper. I presume that there could not be found within our country a stronger case in favor of that proposition, and, therefore, gentlemen of the jury, upon the very threshold of your inquiry, it is necessary that you

should banish from your minds any idea which you may have, of the rights of others to his estate or to control the disposition of the same.

The law of the land, by enactment through the Legislature, provides that a decedent, if he desires, shall have the right to dispose of his estate in any manner he wishes; but the law is jealous of that right. It is careful to protect him in every direction. It provides in the event of failure to exercise it, that the estate shall descend in the line of inheritance which it prescribes, and it does not contemplate that another shall step in and say for an alleged testator what he shall do with his property.

While the right exists in a party to dispose of his property, the law requires that he, and no other one, shall exercise that right. Undue influence cannot be resorted to in order to constrain or induce a person to dispose of his property contrary to the course prescribed by law; much less can fraud and forgery.

The single question which is raised in this issue and which you are to try, is this, is the will or paper writing which has been produced here as the will of Griffith Miles, the work of Griffith Miles himself, or is it the work of a forger who has undertaken, for him, to dispose of his estate?

It is unnecessary, in the opinion of the Court, that we should go into the details of this case in

order to assist the jury in reaching their conclusion. Upon both sides the case has been tried with marked ability and care. There has been displayed, throughout its conduct, such ability, fairness and ingenuity as reflects honor upon the gentlemen engaged in the trial, and it is a matter of pride to the Court as it should be to the people of the county, that we have here a Bar so eminently qualified and ready to maintain its past high character and to uphold the rights of suitors.

It is necessary in the conduct of all legal contests and disagreements between parties, that there should be rules by which they may be settled, and that there should be gentlemen, instructed in the science of those rules, to apply them in all cases alike. No issue of fact can be assumed to be settled until it is finally adjudicated by a jury of twelve men under the law of the land, and until that point is reached every litigant is entitled to all the rights which belong to any other. It is the duty and province of the lawyer to assure to the suitor this privilege, and the greater his ability and fidelity, the more confidently can the community rely that the lives, liberties and property of its individual citizens are secure.

There are certain rules which the law, in its wisdom and from the experience of ages, has established, by which cases shall be tried, that must be

applied to all trials alike; and whatever you may think in relation to the merits of this case from facts and circumstances other than those which you have heard testified to, and outside the evidence produced upon the witness stand, or whatever you may have inferred from offers of proof which have been rejected under these rules, you are not to give heed to it. You must be controlled by the evidence as it has been sworn to. If there has been any mistake made in the rulings by which that evidence has been rejected, there is a Court higher than this to which the injured parties, if they feel aggrieved, can apply and find redress. The jury cannot correct a mistake of that kind, but it must be investigated through the usual and prescribed channels. Therefore, gentlemen, you are to try this case, if I may repeat, by the sworn evidence.

In every instance where a party comes into a Court of justice, it is incumbent upon him that he should make out his case by the preponderance of the evidence.

When the proponents of this will opened their case, it was incumbent upon them to make it out, under the law, which provides that a will shall be signed by the testator and proved by two witnesses. Where the proof of execution is made by two witnesses, if living, or by the proof of the handwriting of two witnesses who have signed it, if dead, the

proponents may rest upon what is called the *prima facies* of their case. It is sufficient proof upon which to admit the will to probate and to proceed to the distribution of the estate under it. And in this case, when that point was reached and this will was admitted in evidence, if the defendants had failed to offer any further evidence, it would have been your duty to have returned a verdict in favor of the plaintiffs.

But it was competent for the defendants to proceed to show, notwithstanding the *prima facie* case which, by the proof of the execution of the will through the evidence showing that the names of the witnesses attesting it, were written by the persons to whom they purport to belong, that these are not the genuine names, and that the will, as shown by the preponderance of the evidence, is a forgery.

Now, gentlemen, the question in this case is, is this a forged will? If it is, notwithstanding that under the preliminary proof, it was entitled to go in evidence and to probate, it will be your duty to render a verdict in favor of the defendants.

In determining that question it is your province, and yours alone, to look at the signatures of the alleged testator and the two witnesses whose signatures have been offered as evidence of the execution by the testator, and to determine whether the will was executed by Griffith Miles and proved

as required by law. It is my duty to say to you that the proposition of counsel for the plaintiffs, in his argument, that if you should find that one of the signatures to this will as a witness, to wit, Samuel Spencer, is genuine, you need go no further, it establishes the will, cannot be sustained, because it would not be a probate of the will according to law. The law does not provide that the execution of an instrument of this solemnity can be proved by one witness, but by two ; and, therefore, it is not sufficient in the case to show that the name of one of the witnesses is genuine, if you believe that the other is false. It would only be proof of the execution by one witness. It is alleged by the defendants, that not only are the names of the witnesses false and forged, but that the name of the testator to the will is also forged. And if you should find that the will was attested by the genuine signatures of two witnesses, and yet, notwithstanding that attestation, the name of the testator is a forged name, you cannot admit the paper as a genuine document for this reason : that while it is true the attestation of two witnesses to the will *prima facie* establishes that the testator put his name to the paper as they attested, yet, if you are satisfied that that name is forged it might be that the witnesses were either deceived in making their attestation, or that they also were a party to the

fraud. Witnesses to a document of this kind, beyond the fact that the law confers upon them the right to establish the *prima facie* validity of the will, stand upon no higher plane than any other witnesses. Their credibility may be attacked, their honesty may be brought in question, and it may be shown, as of any other witness, that they are either mistaken in their declaration or have testified falsely.

Therefore, gentlemen, if it is proved to your satisfaction by the preponderance of the evidence, that the name of Griffith Miles to this will is forged, and you believe that it is forged, you cannot return a verdict for the plaintiff, although you believe that the signatures of the two witnesses to it, which have been proved here, are genuine. Or if, throwing that question out of the case altogether, and assuming that it may be the genuine name of Griffith Miles, may or may not be forged, unless it appears from all of the evidence, to your satisfaction that the will is proved and attested by two witnesses, you cannot return a verdict in favor of the plaintiffs because the lawful requirement has not been complied with.

Now, then, I have said it is competent for you, in seeking a determination of this question, to examine all the evidence bearing upon it. You may examine the names as they purport to be

written by the witnesses to the will, and by the testator; you may compare those names with the names of the same persons which have been proved to be genuine by persons who saw them written, that is, who saw the test papers written, and you may apply your own judgment and common sense to this comparison, using the test papers as the foundation for your judgment, and you may reach such a conclusion, having regard to all the other evidence in the case, as you may deem is right and just.

It is my duty to say to you, however, that if the plaintiffs have proved the attestation of this will by two witnesses, and the defendants have failed to show the name of the alleged testator to be a forgery, it is not necessarily incumbent, and it is not incumbent upon the plaintiffs to account for the third witness whose name may be to the will, or for a failure to prove his signature, because, when they have proved the execution of this instrument by two witnesses, and that proof is not overcome by the countervailing evidence, they have done all the statute requires. In addition to the comparisons which you may make by the test papers, it is also competent for you to take and give such weight to them as you think they are entitled to, the opinions of the qualified witnesses who have knowledge of Mr. Miles', Mr. Craven's or Mr.

Spencer's handwriting. Where one has shown sufficient knowledge of the handwriting of another to qualify him to form an opinion, his opinion may be given to the jury, and they may take it, along with the other evidence in the case, and use it in the effort to reach a conclusion as to the genuineness of the execution of the paper. And in this case you may take all of the opinions which have been given here, and give to them such weight as you may think they are entitled to. You may also take into consideration the evidence of the experts who have been called and testified in this case, so far as they have thrown light upon it, by the reasons which they have given for their judgment, and by their opinions.

The law of Pennsylvania permits that men, who are experts in handwriting, may be called in the case of a disputed writing, for the purpose of enlightening the jury upon certain rules and principles of penmanship, which by their experience and scientific investigation they have found to be applicable to penmanship, generally, as well as to give their opinions. But such a witness is not allowed, by our law, to testify from actual knowledge of the handwriting of the persons alleged to have made the name or writing in dispute. This is the law of this State, and it is our duty, gentlemen, to follow it. It may not be wise, it rather impresses me as

being an unreasonable rule that a man with scientific knowledge and experience in handwriting should not also have the aid of the natural and admitted handwriting of the party whose writing is in dispute. But the law so provides. Such aid cannot be used by an expert.

Therefore, you may take the testimony of the experts, their conclusions and opinions so far as they have been received, giving them such weight as you think they are entitled to, and use them as evidence in the case in making your inquiry. It will be your duty to consider whatever other evidence there may be in the case, and in the determination of that evidence, as well as of the evidence to the handwriting, you can use certain rules for testing the testimony of witnesses, which have been resorted to by the experience of men engaged in the trial of causes, with profit, and by their aid, ascertain where the truth lies. The witnesses who have been called to give evidence in the case are subject to your scrutiny and examination; you may look upon their manner upon the stand, the way in which they testified and the character of the story which they told. Inquire whether they appear to be natural in telling their story, or whether they trip in cross-examination, whether they are rambling and contradictory or not, and thereby judge the truthfulness of what they say.

You may look at their interest and whether they appear to be prejudiced by undue zeal in giving their testimony, and you may inquire whether they are corroborated or contradicted by other evidence which you believe.

Finally, you may inquire, and this has been said to be the best test of all, whether the story which the witnesses tell is a reasonable one, such as would reasonably occur in the ordinary transactions of people under similar circumstances. And this rule, gentlemen of the jury, it seems to me, if you cannot otherwise make up your minds in relation to the signatures, you may apply to this whole case. Which of the allegations; that upon the side of the plaintiffs or on the side of the defendants, is the reasonable one, is the one which under ordinary circumstances would influence people, and under which they would act.

Now, it has been said by the plaintiffs that there is nothing unreasonable in the making of this will; that under the circumstances of the case which have been proved here, it was the natural thing for Griffith Miles to have made a will in favor of Lydia Ann Miles Weaver; that so far as his own relatives were concerned and those to whom his estate would descend by due course of law, it has not appeared in the case that he had any particular interest in them, while on the contrary, if you believe the evi-

dence as it has been sworn to, he was bound to the principal legatee under his will by an attachment of the heart, which, whether wisely or not, influenced his judgment and dictated this act, which, it is alleged he declared to her, would be regarded as evidence that he was an "old fool," or something to that effect. Then again, it was urged it was the natural thing that having a relative named after him he should give something to it, and that Samuel Spencer being his nearest friend, and one whom he visited and in whom he reposed confidence should be selected as another legatee ; and that we find in the selection of the executors to the will or of the co-executor to the principal legatee, he was guided by the same reason and by the same desire to favor the woman to whom he had this attachment.

Gentlemen, you have heard the evidence and the argument in support of the will, and you will give to it such weight as you think it is entitled to and apply it to the case and circumstances throughout and determine whether it is of sufficient weight to tip the balance in favor of the plaintiffs, and to warrant you in making up your minds that this is a genuine will.

Griffith Miles, according to the evidence in the case, was a character of a type of which, unfortunately, in these days, we have but few left. He was an old style country gentleman, living upon his

farm with his maiden sisters, and so far as appears in the case, always attended to his own business, doing justice and right between man and man as he understood them, observing the conventionalities and the hospitality of the society of his neighborhood with punctiliousness and care, a man who was careful not to hurt or injure the feelings of others, but desiring to live the course of his life in peace and honor amongst his neighbors, to entertain them and be entertained by them according to a plan of old-fashioned hospitality.

But unfortunately he had money beyond his requirements, and having reached a ripe old age, it was natural perhaps that a good many people in his neighborhood and elsewhere should begin to wonder, as he approached the century period, who was going to get it ; and also for some people to busy themselves as to whether there was any chance for any of them, and it appears that he was pursued with more or less assiduity, not only as to the management of his estate by himself, but as to what he was going to do with it after his death. Being an old-time man, accustomed to the fashions and practices, when men acquired their fortunes slowly and honestly, and gave a care to preserving them, he had his family lawyer, and according to the testimony of Esquire Finney, and as shown by a number of papers in evidence for forty or fifty years, it

had been his habit, in whatever matter of business of importance he had to transact, to consult one of the Ross family of attorneys. Probably for three generations of that family, he was a client of that office, and upon all important occasions down to a short period before his death he went there for advice and assistance. It is quite possible that if Griffith Miles had been left alone to pursue the even tenor of his way, and if his money had not been an object of solicitude to so many other people whose business was not his business, he would have died and his estate would have been settled, either with or without a will, without any contest at all, for the very good reason that he would have continued under the directions of his old attorneys to the day of his death, and would have followed their advice, leaving his directions with them. But he conceived the idea, whether by persuasion or otherwise, that his lawyers were charging him too much money for some services performed, and he wandered away from them, so we now have the case of an alleged will of his brought into court written in a strange hand, the author of which cannot be found anywheres, and instead of the contingency which he may have been persuaded was imminent that he would be required to give to his lawyers a few dollars each year for consultation, we have the result that in the final disposition and dis-

tribution of his estate, probably thousands of dollars will be spent in the preliminary effort to ascertain to whom his money belongs. This, gentlemen, is the result of neighborhood interference and gossip, persuading an old man who needed assistance, to desert those advisers from whom he had always had good advice, and to go abroad, wandering amongst unknown pitfalls.

But it is said upon the part of the defendants, that notwithstanding this evidence has been produced in the case, it still points out to you that it is improbable that Mr. Miles made this will, because they have brought into court a number of documents, of minor importance to this, which he had executed in the same office with the same attorneys, some of them I believe at a date later than the alleged execution of this will. They say that it is improbable that this man who, when he wanted a lease drawn or other paper made concerning his affairs, would go to Mr. Ross' office, when he came to the execution of the most important document of his life, went to a stranger who is unknown, and that this will, instead of being found where it was natural it should have been left, was produced in the somewhat unexpected and precipitate manner that has been described here, and that the unusual fact exists that a will has been produced and has been in contest for months, and yet it cannot be discovered who wrote it.

If you think there is anything in this argument, it may be a material question in the case to ascertain at just what period Mr. Miles, by persuasion or voluntarily, left the lawyers with whom he had been connected for so many years, whether it was before the execution of the will or afterwards. If before, then the fact that the will was written by some one else would be immaterial; but if he did not leave them until after it was executed, it may be a very material inquiry why, in drawing his will, he did not go to the place where he had always been in the habit of going to get his legal papers drawn; and why it was, evincing the care that he expressed in this will that the document was to stand, this man, who would not even rent a tenant house without going to his lawyer, went to a stranger and was content with such an instrument as has been produced here. You have heard the answer to this argument by the counsel for plaintiffs, and you will consider all that has been said on both sides in relation to this circumstance. It is a point in the case.

Then again it is argued by defendants that the claim as presented here is improbable; that Griffith Miles did not execute this will, because it bears upon its face internal evidence that he could not have written it; that its provisions are unnatural, not only in that it neglects to provide for his nearest

relatives in several instances, but also that the sister with whom he had lived for nearly ninety years, for eighty-five years, who had shared her property with him, and with whom he had shared his, was left entirely to the mercies of one of the principal legatees under the will, to be cared for in her old age as that legatee should see proper.

Gentlemen, that is also a matter for you to take into consideration.

It is also said that it is exceedingly improbable that Mr. Miles would execute a will in the year 1885 and in that will provide a legacy for a child which was not born until the next year. Well, gentlemen, that is not only improbable, but it is absurd, and unless there is some reasonable explanation to satisfy you that this provision occurs in the will by mistake, by inadvertance or some other explainable error, it would seem to me that it should have great weight with you in reaching a conclusion. But, gentlemen of the jury, that is entirely for you. You will not accept any view that the Court may have, or may appear to indicate upon the evidence, because the Court does not wish to influence your minds one way or the other in the determination of the facts of this case, yet such a matter is capable of explanation. Has it been explained to your satisfaction? You have heard the explanation offered by Mr. Lear. It is

one worthy of consideration. Is there any evidence in the case to support this explanation? Do all of the surroundings, all of the circumstances of the case, and of the execution of the will, tend to give an explanation of this remarkable lapse in the execution of this paper; or are you left to the unavoidable conclusion that this will was not actually executed at the time it bears date, and that the person who was concerned in its execution did not know when the namesake of Griffith Miles was born? Counsel for the plaintiffs say that the true explanation of this lapse is that the date of 1885 was a mistake; that it may have occurred through copying off a former will for the purpose of including the legacy to the namesake, who had been born subsequently to the execution of the former will. It is for you to say, gentlemen, whether this is so or not, whether it is reasonable and probable or not. There is no other will in evidence. It does not appear that Mr. Miles had any other will.

Then again, the defendants say that this will is not the will of Griffith Miles, and that there is evidence, in addition to that of the handwriting, to show that it is not, in the fact that they have proved that at various times Mr. Miles said to different persons that he did not have a will and did not intend to make one. The Courts have held, in a series of cases, that evidence of declarations of this kind is

competent, as tending to show a fixed purpose upon the part of the alleged testator not to make a will, and that such weight may be given it as the jury see proper in connection with the other evidence in the case. It is not conclusive evidence, because, as argued by counsel for plaintiffs, to the importunities of the meddling busy-bodies he may have found it necessary to misstate the facts. He may not have wanted it known what he proposed to do or was about to do with his estate. He may have told an untruth. Taking into consideration the character of the man, the argument of counsel for defendants that in this very paper there is a protestation of his own truthfulness, and all the facts and circumstances, it will be for you to determine whether, notwithstanding such declarations as have been proved here, it is probable that Mr. Miles, after all, had a will.

Now, gentlemen, I believe these are the principal points which have been urged upon you by either side. If there is any other matter that should be specially called to your attention, and counsel will indicate it to me, I will gladly call your attention to it. I have no doubt that you will give to the case your most careful consideration ; that you will examine all of the evidence with diligence and conscientiousness ; that you will concede the right of this old man to make a will if he desired to, and

that you will not be guided by any purpose to do what you think ought to be done, as against what he desired to do and did do.

If you reach the conclusion, gentlemen of the jury, that the execution of this will has been proved and maintained, notwithstanding the attacks that have been made upon it, either as to the signatures or surrounding circumstances, it will be your duty to render a verdict for plaintiffs. But if, on the contrary, you reach the conclusion, by the preponderance of the evidence, that this is a false and forged instrument of writing, it will be your duty to return a verdict in favor of the defendants. It is not necessary for you to proceed to the further inquiry as to who has forged it. If it be a forgery, it is a very serious matter as to who the forger is. It would not be proper for you or me to express an opinion at this time, because that might be a question for us to deal with on another occasion.

The only question you are to determine in the trial of the case is, Is this or not a forged instrument? If it is, your verdict should be for defendants, if it is not, your verdict should be for plaintiffs.

THE VERDICT

The jury retired to its room at four o'clock, carrying out with them the mass of documents and papers containing signatures of Miles, Spencer and

Craven, as well as the famous will, which was almost ready to crumble to pieces from much handling. When Court adjourned shortly before six o'clock, no verdict had been reached.

The ringing of the Court House bell at seven o'clock announced that the jury had agreed. There was a hurrying towards the temple of justice by those who have watched the course of the case with such deep interest, and even the ladies filed into the seats they have occupied all the week to witness the last scene in this most remarkable civil case heard before the Courts in a generation. Mr. Lear arrived promptly, but Mrs. Weaver, who held her post at the end of her counsel's table throughout the trial, scarcely moving except when she was summoned to the stand, was absent. Mr. Yardley wore a bright red carnation coat-flower, which some admirer had probably presented him in recognition of his poetical accomplishments. He looked pleased. Mr. Eastburn smiled, and he appeared to have no doubt as to what the verdict would be.

Judge Yerkes took his seat on the bench, and at 7.20 the jurors, Messrs. John H. Nickel, George Ruch, William Allowes, Joseph K. Harding, Lewis Fennimore, William O. Rufe, Aaron Ball, Josiah H. Rufe, Edward T. Slack, Thomas P. Messer, Alfred D. Long and Elisha Praul, walked into the jury box.

"Take this verdict," said the Court.

"Gentlemen of the jury," said Prothonotary Janney, "have you agreed upon a verdict in the issue joined wherein Lydia Ann Miles Weaver and Nathan C. James, executors of the last will and testament of Griffith Miles, deceased, are plaintiffs, and Rebecca Miles, Hannah L. Miles, Elizabeth M. Boileau, Kitty Ann Blake, Griffith M. Search, Anthony T. Search, Augustus W. Miles, J. J. Miles, Shadrack T. Miles, William Hart Miles, Amos Duffield Miles, Ann M. Fetter, Margaret M. Lefferts, Elizabeth L. Miles and Mary B. Miles are defendants; how say you, do you find for the plaintiffs or the defendants?"

"For the defendants," said Foreman Nickel, in a voice plainly audible throughout the big amphitheatre.

And thus the will falls. The verdict was in accord with public opinion upon the matter, and it was received with no surprise. After receiving the thanks of the Court for faithful attendance upon the tedious trial, the jurors were discharged, the crowd moved out of the court room to speculate upon who, where and when it was that the skillful forgery was perpetrated, and the trial was over.

APPENDIX

Copy of

AN ACT

Relating to the competency of experts and to the rules of evidence in questions of simulated (or altered) handwriting declaring and defining some of the existing rules of law upon these subjects and also extending some of the provisions of the same

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That where there is a question as to any simulated or altered document or writing the opinions of the following persons shall be deemed to be relevant

a The opinion of any person acquainted with the handwriting of the supposed writer

b The opinion of those who have had special experience with or who have pursued special studies relating to documents handwriting and alterations thereof who are herein called experts

SECTION 2 It shall be competent for experts in giving their testimony under the provisions of this

Act to make comparison of documents and comparison of disputed handwriting with any documents or writing admitted to be genuine or proven to the satisfaction of the judge to be genuine and the evidence of such experts respecting the same shall be submitted to the jury as evidence of the genuineness or otherwise of the writing in dispute

SECTION 3 It shall be competent for experts in formulating their opinions to the court and jury to place the genuine and disputed signatures or writings in juxtaposition and to draw the attention of the jury thereto and it shall furthermore be competent for counsel to require of an expert a statement of the principles on which he has based his work the details of his work and his opinion that the results are important to the point at issue or the reasoning analysis and investigation by which he has arrived at his opinion

SECTION 4 The opinions of the witnesses to handwriting being submitted as competent testimony to the jury the final determination as to whether any particular handwriting is genuine or simulated shall remain as heretofore a question for the jury on all the evidence submitted

SECTION 5 All provisions of this Act shall apply to all courts of judicature criminal and civil and to all persons having by law or consent of parties authority to hear receive and examine evidence

Approved Fifteenth
day of May, 1895.

Signed,
Daniel H. Hastings.