

## Oppose Legacies to Orphan Asylums

Executors of the Estate of Mrs. Amanda M. Coe Seek to Break Her Will

Several Rochester charitable institutions are defendants in the action brought in Livingston county Supreme Court to break the will of Amanda M. Coe, who died at Livonia, August 23, 1899. The Rochester Orphan Asylum, which was recently visited by a disastrous fire, was left \$5,000 under the will and the Catholic Orphan Asylum was given claims to the farm of John R. Kavanaugh, of Livonia, with the request that leniency be exercised towards Kavanaugh in the payment of rents.

Flavius J. Coe and Amos D. Coe, brothers of deceased, were named executors of the will and found the estate a large one, consisting of several thousand dollars and a number of valuable fruit farms in Livingston county. The will was admitted to probate. A large proportion of Mrs. Coe's possessions were left to charities, among the beneficiaries being the New York societies for the prevention of cruelty to animals and children and the Tribune Fresh Air Fund.

Charles Ward, of Livonia, appears for the executors of the will. The answer of the Rochester asylum sets forth the high regard Mrs. Coe had for the institution, her two adopted children having been taken by her from there, and states that the will merely expressed the feelings she had always entertained toward the asylum. The executors seek to break the will on the ground that it was executed only two months before Mrs. Coe's death.

*Democrat and Chronicle*, Rochester, Monroe Co. NY, Tue. 22 Jan 1901

## Will of Amanda Coe

### Two Rochester Institutions Beneficiaries Under Terms of the Will Contested

...Another action set down for trial and involving large interest is that brought for the construction of the will of Amanda M. Coe, late of Conesus, deceased. This is No. 14 on the calendar and is entitled, "Flavius J. Coe and Amos D. Coe, as executors, etc., against H. L. C. Frutchey and Others." The facts in this suit are as follows: Amanda M. Coe died at Conesus in 1899, having executed within two months before her death a last will and testament wherein after other bequests, she gave large sums of money to the Hubbell Park Orphan Asylum, of Rochester, the Rochester Catholic Orphan Asylum, and the New York Tribune Fresh Air Fund. The residuary estate was given in equal parts to the American Society for the Prevention of Cruelty to Children and the American Society for the Prevention of Cruelty to Animals.

The bequests to the corporations are attacked upon the ground that the will was executed within sixty days before the decedent's death, thereby rendering the gifts to the charitable corporations of no effect. Charles Ward, of Livonia, is the plaintiff's attorney in this case and the rights of the defendants will be looked after by the following attorneys: Hone & Hone for the Rochester Catholic Orphan Asylum; Delancy Nicoll for the American Society for the Prevention of Cruelty to Children; J. Mayhew Wainwright for American Society for the Prevention of Cruelty to Animals; Sackett, Bacon & McQuade for the Tribune Fresh Air Fund Society; William Carter for John C. Coe and other heirs-at-law; Harry Pease for Anna B. C. Agard.

*Democrat and Chronicle*, Rochester, Monroe Co. NY, Wed. 15 May 1901

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## COE WILL CASE COMING UP AGAIN

### Rochester Institutions Interested in Its Construction

No. 14 on the calendar, Flavius J. Coe and Amos D. Coe, et al, against H. Louise Coe Frutchey was reported ready for trial by the attorneys interested. This is the action brought for the construction of the will of Amanda M. Coe, late of Conesus, deceased. The following attorneys appeared in court yesterday morning, representing the various beneficiaries under the will: Charles Ward, of Livonia; William Carter, of Avon; Hone & Hone, of Rochester; Delancy Nicoll, of New York city; J. Mayhew Wainwright, of New York city; Sackett, Bacon & McQuade, New York city; Walter S. Hubbell, of Rochester; and Harry Pease, of Livonia. The case was set down for trial upon Tuesday.

*Democrat and Chronicle*, Rochester, Monroe Co. NY, Tue. 21 May 1901

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### Supreme Court Business at Geneseo Rushed Through With Dispatch

...The last case disposed of was No. 14, Flavius J. Coe and Amos D. Coe and others against H. Louise Coe Frutchey. In this case a will is involved which disposes of an estate of between \$60,000 and \$70,000. In the will bequests were made to the Rochester Catholic Orphan Asylum, the New York Society for Prevention of Cruelty to Animals, and the Tribune Fresh Air Fund Society. The heirs at law held that the bequests were void. Counsels were given until June 20th to submit briefs to the court.

*Democrat and Chronicle*, Rochester, Monroe Co. NY, Wed. 22 May 1901