

George W. Utermehle, Jr. **(1815 - 16 Apr 1889)**

Utermehle. At his residence, 510 2d street southeast, April 16, 1889, at 4:20 p.m., George W. Utermehle, in the 74th year of his age. Funeral services at his residence, Thursday, April 18, at 4 o'clock p.m. Friends of the family invited. Interment private.

The Evening Star, April 17, 1889

Death of Geo. W. Utermehle

An Old and Wealthy Citizen Passes Away

Geo. W. Utermehle, one of Washington's oldest and most respected citizens, died yesterday afternoon at his residence, on Capitol Hill, at the age of 74 years. He had probably, in the 57 years that he has lived here, done more to build up the city than any other man being at the time of his death the largest individual owner of property in the District. He was a native of Germany, and came to this city in 1832. He first learned the tailoring business here. He obtained his first capital in this way, opening a small merchant tailoring shop, and it was not long before he was the owner of considerable property of value. He made investments with good judgment that proved extremely profitable, and for many years he has been numbered among the wealthiest citizens of Washington. He had great faith in the future of the city and builded his fortunes on that basis. He soon became the most extensive builder of houses in the District, and row after row of buildings, offices, stores and dwellings went up in his name. He had the reputation of never making a mistake in enterprises of this kind. As a result of his enterprise and good management he has lately been paying taxes on fully 500 houses while his total wealth was estimated at \$1,500,000. One of Mr. Utermehle's most notable operations was a heavy investment in government bonds at the beginning of the war which caused an increase in the public confidence to a large extent. In his business transactions he was strict but highly conscientious. He lived unostentatiously, and in a quiet way disbursed much for charity. He leaves a widow and two daughters, Mrs. Dr. L.M. Taylor and Mrs. Samuel Norment, of Washington. The funeral will take place at 4 o'clock.

The Evening Star, April 19, 1889

Funerals

The funeral service over the remains of the late George W. Utermehle were held yesterday afternoon at the residence, 410 2d street southeast. Rev. W.E. Parsons officiated and the interment was at the Congressional Cemetery. The pall-bearers were Washington B. Williams, William R. Woodward, I.C. Slater, Luther W. Slater, Amos Luke and John A. Ruff.

The Evening Star, March 17, 1902

Utermehle Estate

Contest Over Will Involving Large Interests

The Hearing Begun

Opening Statement of Counsel for Caveator

Decedent Left Property Valued at Over \$1,000,000 --

His Grandson Brings the Suit

After several postponements, hearing was begun today before Justice Barnard and a jury in the Probate Court of the contested will case involving the estate of George W. Utermehle, deceased. The

estate is said to be worth considerably more than \$1,000,000. It is believed that the hearing, which is being held in the room of Criminal Court No. 2, will be in progress about seven or eight weeks. The caveator is Charles H. Utermehle, a grandson of the deceased, and the caveatees are Mrs. Mamie E. Norment, a daughter of George W. Utermehle; Dr. Leroy M. Taylor, a son-in-law of the deceased; Leroy M Taylor, jr., a son of Dr. Taylor, and Mildred and Dorothy Taylor the two little daughters of Leroy M Taylor, jr. It is alleged that in the making of his will coercion was brought to bear upon George W. Utermehle, and that at the time the paper writing purporting to be a will was executed.

The caveator, Charles H. Utermehle, is represented by Attorneys R. Ross Perry, Wilton J. Lambert and D.w. Baker, while Attorneys A.S. Worthington, Thomas P. Woodward and Charles L. Frailey appear for the caveatees. The following were impaneled as a jury: Messrs. John H. Grove, Harry F. Dunkhorst, J. Hiram Johnson, T. Johnson Fletcher, John W. Danenhower, Augustus B. Bishop, Frank G. Noite, James E. Willet, Clarence E. Latimer, Charles H. Lavender, Charles J. Foote and Grant S. Kendrick.

Justice Barnard ruled that the caveator should act as plaintiff, and therefore have the opening and closing. Accordingly, Attorney Perry began the proceedings with an explanatory address to the jury.

He stated that George W. Utermehle was born in Germany in 1815 and moved to this country in 1832, when he was seventeen years of age. He married a Pennsylvania lady in 1836. Charles H. Utermehle, sr., the father of the caveator, and his twin sister, Rose M. Taylor, were born in 1839. Charles H. Utermehle, sr., was the only son of the testator, and he married in 1861, and died in 1867, leaving as his only son, the grandson of George W. Utermehle, the caveator in the case now on hearing.

Outlines Proposed Testimony

After detailing the movements of young Utermehle during the lifetime of his father. Mr. Perry announced that evidence would be produced to show that not only did the warmest personal feeling exist between grandfather and grandson, but that on several occasions the grandfather had specifically stated that he proposed making ample provision for the future of his grandson. According to Mr. Perry, at the time of the death of George W. Utermehle, the grandson was induced to desist from contesting the will upon the promise of the other heirs that upon his grandmother's death everything would be made up to him. Counsel added that it would be shown that not only was this not done, but that between the time of the death of George W. Utermehle and the death of his widow the large estate which she had derived from her husband had been so disposed of, under the control of her daughters, that a third share thereof only amounted in money to about \$58,000. As an instance

The Evening Star, November 30, 1904, p. 18

The Utermehle Will Case

Hearing in the United States Supreme Court

In the Supreme Court of the United States yesterday afternoon the hearing in the Utermehle will case was finished.

George W. Utermehle died in December, 1889, leaving real property worth about \$1,200,000. By a will all but one square of ground in the northeast, known as the "Young's law building," was left to his two daughters, Mrs. Rose M. Taylor and Mrs. Mamie E. Norment; the square of ground referred to being left to his widow, and the law building to his grandson, Charles H. Utermehle. In 1900 a petition was filed in the District Supreme Court by Mrs. Taylor and Mrs. Norment, asking that the will of their father be probated as to real property. To this a caveat was filed by Charles H. Utermehle, alleging that the will was invalid because of mental incapacity of the deceased and undue influence and fraud alleged to have been practiced upon him.

In the District Supreme Court it was contended by Mrs. Taylor and Mrs. Norment that the grandson was estopped to contest the will. This contention was sustained by the trial justice, and after being

affirmed by the Court of Appeals was taken to the Supreme Court of the United States. The arguments were made on behalf of the grandson by Wilton J. Lambert and D.W. Baker, and on behalf of the caveatees by A.S. Worthington.

The Washington Post, March 18, 1902, p. 10

Utermehle Will Suit

Hearing in Contest for Millionaire's Estate

Lawyers Outline The Case

Suit Involving Sum of \$1,500,000 Begun Before Justice Barnard, In District Supreme Court – Grandson of the Testator Charges that Undue Influence Was Exerted Over Millionaire's Widow

The hearing in the famous Utermehle will case was commenced yesterday before Justice Barnard and a jury in the District Supreme Court. The suit is the result of a caveat filed against the will of George W. Utermehle, who died about fifteen years ago and left a will whereby the family of his son, Charles H. Utermehle, sr., were not bequeathed what they thought was a fair share of the property of the testator. The elder Utermehle was worth about \$1,500,000, and the contest of his will has been pending in the District courts for the past thirteen years. Charles H. Utermehle, sr., the son of the testator, died a number of years before the death of his father, leaving a widow with one son, Charles H. Utermehle, jr., who is the caveator in the present case.

As soon as the jury was impaneled in the proceedings yesterday, Attorney R. Ross Perry, of counsel for the caveator, in accordance with the decision recently rendered by Justice Barnard allowing the opening and closing of the case to the caveator, began his opening address to the jury. He stated that George W. Utermehle was born in Germany in 1815, and moved to this country in 1832, when he was seventeen years of age; that he married a Pennsylvania woman in 1836, and that Charles H. Utermehle, sr., the father of the caveator, and his twin sister, Rose M. Taylor, were born in 1839; that Charles H. Utermehle, sr., was the only son of the testator, and that he was married in 1861, and died in 1867, leaving as his only son, the grandson of George W. Utermehle, the caveator in this case.

What Will Be Shown

Mr. Perry next traced the movements of young Utermehle during the lifetime of his father, and declared to the jury that evidence would be produced to show that not only did the warmest personal feeling exist between the grandfather and grandson, but that on several occasions the grandfather had specifically stated that he proposed making ample provision for the future of his grandson.

Mr. Perry further stated that at the time of the death of George W. Utermehle the grandson was induced to desist from contesting the will upon the promise of the other heirs that upon his grandmother's death everything would be made up to him. This promise, he declared, it would be shown, was not only not kept, but that between the time of the death of George W. Utermehle and the death of his widow, the large estate which she had derived from her husband had been so disposed of under the control of her daughters that a third share thereof only amount in money to about \$58,000. Mr. Perry closed by saying that it would be shown that from 1882 up to the time of the death of George W. Utermehle, both Dr. and Mrs. Taylor had complete control of the affairs and business of George W. Utermehle.

Defense Outlined

At the conclusion of Mr. Perry's remarks Attorney A.S. Worthington, on behalf of the defense, began his opening statement to the jury. Mr. Worthington took up the issues in detail, declaring that it was the police of law to refuse to allow a man entitled to any portion of an estate to accept parts thereof

under a will, and after having received the benefits thereof to come in and deny the validity of an instrument under which he had assumed to take and ask that his share be increased by contributions from others. He said that, owing to the fact that a considerable time had elapsed since the execution of the will, many witnesses that might throw light upon the subject on the side of the defense had died, and that even since the filing of the proceedings a witness to the will, as well as Mrs. Taylor, one of the caveatees, had also died. He contended, however, that the question of the time of the execution of the will was not at issue, and that what was to be presented before the jury, aside from estoppel, must be directed entirely upon the point as to whether or not George W. Utermehle was capable of making a will at the time the instrument was signed, and whether or not it was his voluntary act, unaffected by undue influence.

At 3 o'clock the court adjourned, giving Mr. Worthington the privilege of concluding his remarks this morning.

The Washington Post, March 20, 1902, p. 2

Grandsire Set A Pace

Charles Utermehle Says He Found It Too Lively

Swore and Tore Off His Wig

Some Interesting Testimony Concerning Characteristics of the Man

Whose Will Is In Dispute – Grandson Intimates That Alleged Agreement

With Relatives Regarding Division Was Not Carried Out

Because George W. Utermehle drank half a gobletful of whisky at a time and frequently became so enraged that he swore loudly in German and tore his wig loose from his bald head, he is said by his grandson, Charles Utermehle, to have been in such mental condition that he was not responsible for his acts when he signed his last will and testament.

Charles Utermehle spent several hours yesterday in recounting his life history to Justice Barnard and a jury in the Probate Court, which is hearing the contest over the valuable estate of the late George W. Utermehle. The greater part of Mr. Utermehle's testimony had direct bearing on the condition of his grandfather's health from 1887 until his death in 1889.

"In 1887 I noticed that my grandfather was in failing health," Mr. Utermehle said. "He was nervous and excitable. His knees trembled and he seemed to have little control over himself. At times he would fly into a violent passion without cause. When he read anything in a newspaper which displeased him, he would pull his wig off and swear in German. He always asked me to drink with him when I called at his house, and he would drink half a gobletful of whisky at a time."

Drove a Fast Horse

In response to questions asked by Attorney R. Ross Perry concerning Mr. Utermehle's ability to transact business during the last few years of his life, the witness stated that he had occasion to see his grandfather on business matters several times and found that he was forgetful and seemed to have lost interest in affairs concerning his estate.

"During the last two years of his life my grandfather drove a spirited horse to a low wagon," the witness continued. "He allowed the horse to go at full speed most of the time, and would turn corners in a careless manner. I was afraid to ride with him. He did not seem to pay attention to people or vehicles in the streets. I do not understand how he avoided accidents, for he always drove at breakneck speed and did not exercise the least care."

After telling of the final illness of the testator, the witness told of the reading of the will immediately after the funeral. William R. Woodard read the will in the presence of Mrs. George W. Utermehle, widow of the testator; Mrs. Leroy M. Taylor, and Mrs. Samuel Norment, daughters of the testator, and

Charles Utermehle, grandson of the testator. One-third of the estate was left to the widow and the other two-thirds, with the exception of a little more than \$20,000, was left to the two daughters. Charles Utermehle was to have the remainder. His father, who had been dead many years, was the only son of the testator, and Mr. Utermehle had been led to believe that he would inherit his father's share of the estate.

An Alleged Agreement

The day after the reading of the will, the witness said, he was asked to call at his grandmother's. There he met his grandmother and his two aunts, Mrs. Norment and Mrs. Taylor. Mrs. Taylor spoke about his being cut out in the will, but said that his grandmother proposed to make a will, which would give him much other property, and thus convey to him at her death what would have been his father's share in the estate. Mrs. Taylor also assured him that his grandmother would pay off a mortgage of \$12,000, which stood against his farm. The witness said that his grandmother smiled and nodded assent as Mrs. Taylor spoke.

Shortly afterward the witness consented to allow his grandmother to act as executor of the estate. After he had done so, either Mr. Norment or Dr. Taylor, his uncles by marriage, patted him on the back, and said that that action would be worth \$100,000 to him.

Mr. Utermehle was on the witness stand when the court adjourned for the day, and will resume his testimony again this morning. It is probable that it will require several days to take all his testimony.

The Washington Post, March 21, 1902, p. 10

Utermehle Will Case

The Grandson Tells of Family Disagreements

Was Advised To Take No Part

Surprised at Receiving Only \$73,000 When His Grandfather Had Promised Him Enough to Make His Share Equal to Those of His Aunts – Ignorant of the Law When He Accepted the Will

As the trial of the Utermehle will contest progresses before Judge Barnard in the Probate Court interest in the case increases. The courtroom was crowded yesterday during the entire time of the trial. Charles Utermehle, who is endeavoring to have the will of his grandfather, George Utermehle, set aside, was on the stand most of the day yesterday, but was not allowed to give much testimony because of the efforts of the attorneys for the caveatees to prevent the introduction of questions alleged to be damaging to their cause.

Justice Barnard ruled against the introduction of a statement by the witness concerning a conversation which he had with his grandfather in 1877. At that time the family was in the throes of domestic trouble. One evening, the witness said, while he was riding home with his grandfather, the old gentleman told him to keep out of the squabble and he would receive a share of the estate equal to that which his father would have received had he lived. The caveator does not question the sanity of the testator in the year 1877. The court held that evidence relating to the testator's statements and attitude toward members of his family at the time when his mental condition was not in question must be excluded. Justice Barnard stated, however, that any statements of the testator made between 1880 and 1889, the years during which he is said to have been unbalanced mentally, might be introduced.

Ignorance of the Law

Mr. Utermehle was asked by his attorneys if he realized when he accepted a bequest under his grandfather's will that his action would estop him from attacking the will. This question provoked a storm of objections. The attorneys for Mrs. Norment and the other caveatees maintained that it should

not be admitted, as ignorance of the law is no excuse. Attorneys Perry, Lambert, and Baker, the witness' attorneys, insisted that Mr. Utermehle was ignorant of the law as well as of facts concerning his grandfather's will, and that consequently their question was competent. Justice Barnard allowed the witness to answer the question, stating that he might see fit to strike it from the evidence as the case proceeded.

Mr. Utermehle stated that he had no knowledge of the effect his action would have, and that he expected to receive his full share of the estate upon the death of his grandmother. He said that he placed confidence in the statement of his aunt, Mrs. Leroy M. Taylor, who had told him that his grandmother proposed to give him enough of the estate at her death to make his share equal to that of his aunts.

The witness also stated that he was ignorant of the influence which Dr. Taylor and Mrs. Taylor had over his grandfather, and knew but little concerning the mental condition of the old man for ten years previous to his death. Proceeding with the history of the estate, Mr. Utermehle told of the death of his grandmother, and the facts which he learned subsequently concerning the shrinkage in the estate.

Will Was a Surprise

"Immediately after my grandmother's death the heirs to the estate gathered at her home, and my aunt, Mrs. Taylor, told me that grandmother had been a very liberal woman, and that if she had lived a few years longer she would have died poor," said the witness. "This was a great surprise to me. When the will was read later I found that I had been left about \$60,000 and some property valued at about \$13,000. I expressed my surprise to my aunts, but took no action at that time, saying that I supposed I would have to put up with it, although I was greatly disappointed. I was entirely ignorant of the law."

Subsequent events led Mr. Utermehle to thin that he had not been fairly dealt with, and he finally consulted a lawyer. After an investigation had been made of the way the estate had been administered, Mr. Utermehle was convinced that he had been wronged, and he immediately wrote to Mrs. Norment and Mrs. Taylor, offering to turn back everything he had received from the estate. Copies of the letters in which he made this offer were introduced in evidence. Shortly after these letters were written Mr. Utermehle began proceedings to recover his share of the estate, which was estimated at more than \$1,000,000.

The hearing in the case will be resumed at 10:30 o'clock Monday morning.

The Washington Post, March 25, 1902, p. 10

Utermehle On Stand

Gave Dramatic Description of Grandfather's Death

Offered To Return Legacy

Denied All Knowledge of Any Will Save the One Now in Controversy –

A Searching Cross-examination Begun by the Caveatees –

Became Aware of Undue Influence on Part of Aunts in 1899.

The direct examination of Charles H. Utermehle in the hearing on the question of estoppel in the Utermehle will case was concluded yesterday and cross-examination of the witness commenced. The attorneys for the caveatees brought out the fact that the caveator had accepted a distributive share of the estate of his grandmother, the principal beneficiary under the will that is being contested, but it was also shown that he had offered to return to Mrs. Utermehle's estate the amount of money he had received as a beneficiary under her will after he had reached the conclusion that his grandfather was not capable of making a will at the time the instrument in contest was signed because of undue influence. At the conclusion of his direct examination the witness gave a dramatic description of the death of his

grandfather and of the scenes leading up to the end. He denied all knowledge of any other will than the one in controversy.

He was then turned over to the caveatees for cross-examination. The examination was conducted by Attorney A.S. Worthington for the caveatees and was searching and severe. The witness did not at any time become confused, however, and answered the questions put to him in an even, matter-of-fact way.

He was asked about circumstances concerning the Christmas dinner of 1887, when Mr. Utermehle testified that his grandfather showed the effects of liquor and, according to the witness, came down the stairs while the party were at supper, clothed only in his night dress. Mr. Utermehle spoke of having received a present from his grandfather of \$100 in 1888, but he said he thought it was handed to him by his aunt, Mrs. Taylor.

Identified the Checks

He went into detail over the circumstances as to how he became aware for the first time, in 1889 and the early part of 1900, for what he claimed was the undue influence practiced upon his grandfather, and of the mental incapacity of his grandfather at the time he is said to have made the will. He admitted and identified the receipt of certain checks shown him which had been paid to him by his grandmother in connection with taking up the mortgage upon his property, which, he said, was agreed to at the time he had the conversation with Mrs. Norment and Mrs. Taylor and his grandmother, in which they had remarked upon the small legacy which had been left to him, and promised him that they would see that his share was equalized out of what the grandmother received.

A paper was produced by Attorney Worthington, which the witness said he signed when he was very ill in Frederick, Md., giving a local real estate dealer, Mr. Charles Handy, power of attorney to receive certain payments in connection with his grandmother's estate. The caveator was then asked as to what he had intended in writing the letter of May 19 in which he offered to pay back to his aunts what he had received under the will, and he stated that he had at that time made arrangements to obtain the property which he had received under the will, and also to acquire the money necessary to make the settlement upon the exact lines indicated in the letter, and that he did not mean merely by the letter that he was willing that his distributive share should be charged with the amount that he had taken, but emphatically declared that he was ready to deliver the property and the small amount of money which he had received in connection with the legacy and the \$750 note.

At this point, being near the hour of adjournment, Attorney Worthington suggested that further cross-examination be suspended until today, when, it is understood, the cross-examination of the caveator will be concluded. When Mr. Utermehle has finished his testimony a number of witnesses will be placed upon the stand to prove the mental condition of Mr. Utermehle at the time he made the will, and to substantiate the claims of the caveator regarding the charge of undue influence by Dr. and Mrs. Taylor.

The Washington Post, March 26, 1902, p. 10

Utermehle Will Hearing

Caveator's Domestic Troubles the Subject of Cross-examinations

Charles H. Utermehle was placed on the stand as soon as court convened, yesterday, in the Utermehle contested will hearing before Justice Barnard, and the cross-examination of the witness was resumed by Attorney A.S. Worthington, for the caveatees. The witness was closely questioned regarding certain deeds of trust he had given on his third interest in the estate of his grandmother, Mrs. Sarah Utermehle, the deeds being introduced in court, and identified by the witness.

He was closely interrogated regarding his personal troubles in 1893. When it was shown that this was for the purpose of bringing out from the witness the fact that he had had domestic troubles with his first wife, culminating in a divorce suit, vigorous opposition was entered by Messrs. Perry, Lambert, and Baker, representing Mr. Utermehle. A long argument ensued as to the admissibility of such evidence, it being contended by counsel for the caveator that it could not be admitted, save upon a question of credibility, and that matters of such a private nature ought not to be inquired into on cross-examination, even for that purpose. Justice Barnard finally allowed the question to be answered, reserving his ultimate decision upon the points involved, and the witness responded as to some of the matters in connection with this divorce proceeding, admitting the fact that he had upon one occasion, in the company of a private detective, visited an improper place.

Mr. Utermehle testified upon redirect examination, that in addition to having given his first wife a considerable portion of the money which he had received from the estate of his grandmother, he had also made a settlement in favor of his two children to the extent of \$40,000.

Today, witnesses will be placed upon the stand, it is understood, to testify touching the condition of Mr. Utermehle at the time the alleged will was made.