

Court having examined into the matter and finding that the said Marion S. Neff, minor as aforesaid, is of tender years and unable to support herself and has no other proper means of support; And it further appearing that the income of the petitioner, the widowed mother of said ward, is not a sufficient income to properly support, maintain and educate the said minor without the use of the income from the said minor's estate, and being of the opinion that it would be for the best interests of said minor that the said Winifred C. Neff, Guardian as aforesaid, be authorized to use and expend for the support, maintenance and education of said minor the income from the principal of the said minor's personal estate:

It is thereupon, on this Twenty-ninth day of September, nineteen hundred and thirteen. Ordered that the said Winifred C. Neff, Guardian as aforesaid, be and she hereby is authorized to use and expend the income arising from the investment of the personal estate of the said Marion S. Neff, minor, in the above mentioned mortgage.

C.L. Cole, Judge.

Filed and Recorded September 30th, 1913.

Emanuel C. Shaner, Surrogate.

4373

ATLANTIC COUNTY ORPHANS' COURT.

In the matter of the estate of Jane Fortescue deceased, who died testate.

It is, on this Twenty-third day of September, 1913, on motion of Joseph Thompson and William M. Clevenger, of counsel with the proponent, ordered that John B. Slack, the administrator pendente lite, pay to Claude W. Myrose, the stenographer who took the testimony, the sum of \$71.80 being the cost of the original copy covering the proof of the will and codicils and the sum of \$430.00 being the cost of carbon copy of the full testimony, arguments, etc. furnished to counsel for proponent.

C.L. Cole, Judge.

Filed and Recorded October 1, 1913.

Emanuel C. Shaner, Surrogate.

3908

ATLANTIC COUNTY ORPHANS' COURT.

In the matter of the estate of) REPORT.

Henry Bellis, deceased.)

To the Hon. Clarence L. Cole,

Judge of the Atlantic County Orphans' Court.

Pursuant to an order entered in the above stated cause on the thirty-first day of July, nineteen hundred and thirteen, I report that I have investigated the suit instituted by the Atlantic City National Bank against Henry Bellis, deceased, and Mathilde P. Bellis, personally, and with regard to the same do report as follows:

Henry Bellis, in his lifetime, to wit: on January eighteenth, nineteen hundred and eleven, made his promissory note for the sum of three thousand two hundred and fifty dollars, payable to the order of himself two months after date, and had the same discounted at the Atlantic City National Bank, after depositing therewith fourteen shares of the capital stock of the Young's Amusement Company. Afterwards on June fifth, nineteen hundred and eleven, Mathilde P. Bellis, his executrix, executed a note to the order of herself for two thousand five hundred dollars, payable three months after date, and delivered the same to the Atlantic City National Bank, together with four more shares of the capital stock of the Young's Amusement Company, and seven hundred and fifty dollars in cash, which cash was the money of the Henry Bellis estate.

With regard to this transaction, I am of the opinion that Mathilde P. Bellis was authorized to bind the estate and that the obligation which she gave to the bank was a secured personal one in the nature of a mortgage.

action, that the claim of the Atlantic City National Bank is primarily against the estate of Henry Bellis for two thousand five hundred dollars with interest from the fifth day of September, nineteen hundred and eleven to March eighteenth, nineteen hundred and thirteen, and with interest from March eighteenth, nineteen hundred and thirteen to date, on two thousand three hundred and ninety dollars, the eighteen shares of the capital stock of the Young's Amusement Company having on the last mentioned date been sold at public sale for the sum of one hundred and ten dollars and credited on account of said indebtedness.

I further report that in the event of the said Bank being unable to make the money from the said estate, that the said Mathilde P. Bellis is secondarily liable therefor.

I have not completed my investigation as to the claim of the Young's Amusement Company against the Bellis estate and will file supplementary report concerning the same at an early date.

Respectfully submitted this ninth day of September, nineteen hundred and thirteen.

Wm. M. Clevenger,

Filed September 18, 1913.

Emanuel C. Shaner, Surrogate.

3908

ATLANTIC COUNTY ORPHANS' COURT.

In the matter of the estate of)

Henry Bellis, deceased, who died) Report.

testate.

To the Hon. Clarence L. Cole,

Judge of the Atlantic County Orphans' Court.

Pursuant to an order entered in the above stated cause on the thirty-first day of July, nineteen hundred and thirteen, I report that I have investigated the suit instituted by Young's Amusement Company against Henry Bellis, deceased, and with regard to the same, do report as follows:

The Young's Amusement Company seeks to recover one hundred thousand eight hundred and forty-eight dollars and thirty-eight cents from the estate of Henry Bellis, deceased and the items forming this large sum may be divided as follows: For Sundry items advanced to Henry Bellis in his lifetime, eight thousand and forty dollars and forty-six cents; for payments to George H. Conklin, eleven thousand two hundred and sixty dollars and seventy-four cents; for payments to Warren and Hubert Somers, thirty-seven thousand nine hundred and sixty-nine dollars and eighty-six cents; and for payments to Joseph Thompson, forty-three thousand five hundred and seventy-seven dollars and thirty-two cents.

1. With regard to the sundry items amounting to eight thousand and forty dollars and forty-six cents, I report that I have been unable to find any mention of any part of this sum in the books of the Company produced to me with the exception of the following items:

(a) On June second, nineteen hundred and nine, it appears in the complaint that four hundred dollars in cash was advanced by the Company to Bellis on that date. I find an entry of the payment of a coal bill amounting to four hundred dollars charged to the Company's account. This charge appears in the old ledger and cash book kept at the time and it was not until the purchase of a new ledger in January, nineteen hundred and eleven, that it was considered by the Company that a new entry should be made charging the four hundred dollars as cash to the account of the Bellis estate.

(b) On August twelfth, nineteen hundred and ten, I find no record of the charge of cash advanced amounting to two thousand and ten dollars, nor of the credit of cash received amounting to three thousand five hundred dollars, but on the credit side of the cash book of the Company, I find mention of two notes made by Henry Bellis, one for one thousand five hundred dollars and one for one thousand dollars and two notes made by Mathilde C. Bellis, both for five hundred dollars. The entry varies so materially from the charge in the complaint that I merely mention it for the purpose of showing that the same has not been overlooked.

(c) The item of seven hundred and fifty dollars charged against the Bellis estate as