

Atlantic County Orphans' Court.  
In the matter of the estate of  
of Bertha Scherer, deceased.

Order

Anna Scherer Schultz, one of the legatees named in the last Will and Testament of Bertha Scherer, deceased, having filed her petition setting forth amongst other things that the said Bertha Scherer deceased, died seized of certain land and real estate situate in the City of Atlantic City, New Jersey, that in and by her said last Will and Testament she empowered her executor therein named to sell and dispose of the same and from the proceeds thereof to pay certain legacies therein specified; that Jacob Scherer was appointed executor of said last Will and Testament and qualified as such and took upon himself the burden of the execution thereof, that the said Jacob Scherer afterwards sold and disposed of said land and real estate and received the proceeds thereof, of which he now has in his hands as such executor, a balance of thirty-four hundred and thirty-five dollars and twenty-nine cents to answer said legacies; that the said Jacob Scherer refuses to give security for the due and faithful performance of his duties as executor of said Will and that the said legacies are unpaid in his hands, and praying, the appointment of some fit person to take charge of said fund and administer the same; and the said Jacob Scherer, executor as aforesaid, having answered said petition admitting his refusal to give any security, whatever, as such executor and asking, that he be relieved from the further execution of his duties as such; and it appearing to the court that by the terms of the said last Will and Testament the said Jacob Scherer is entitled to receive the interest in said fund for and during the term of his natural life and of so much of the principal thereof as may be necessary for his support and maintenance, and that after his death, the same is distributable according to the terms of said Will to and amongst the following named persons as legatees in the proportions in said Will indicated, viz: The German Presbyterian Church of Atlantic City, the Evangelical Lutheran Church of Long Harbor City; Maria Scherke, Christian Schornemann and Annie Scherer;

It is thereupon on this twenty-second day of September on motion of U. G. Dixon, Proctor of the petition, ordered that on the thirtieth day of October next at the hour of ten o'clock in the forenoon at the Court House and Main Landing, be and is hereby appointed as the time and place for consideration and examination by the Court of the matters contained in said petition and cross petition, and such other matters as may arise thereon, and for the appointment of some suitable and proper person or persons in the place and stead of the said executor according to law and the practice of the Court.

And it is further ordered that a copy of this order (which for that purpose need not be certified save by the Proctor of the petition) be served personally upon each of the above named legatees who may be within the State of New Jersey, and upon such as may be without the State by registered mail, within fifteen days from the date of this order.

C. G. Higbee  
Judge

Filed and Recorded Sept 23-1908.  
Mamuel C. Shaker,  
Clerk

Atlantic County Orphans' Court  
In the matter of the estate of  
of Ben Somers, deceased.

State of New Jersey,  
County of Atlantic

Thomas Hutchinson of full age, being duly sworn according to law, upon his oath says, that on the 21st day of September, 1908, he viewed on Frances H. Somers, who is personally known to him as being the widow and executrix of Ben Somers, deceased, a copy of an Order made by this Court and bearing date the nineteenth day of September 1908 and which is hereto attached; that he handed said copy to her personally on the day aforesaid.

Subscribed and sworn to before me this 21 day of September 1908.

Daniel Walters  
Notary Public

Thomas Hutchinson.

Atlantic County Orphans' Court.

In the matter of the estate of  
Ben Somers, deceased.

Order  
Cora A. Somers, having obtained a judgment against the executrix of Ben Somers, deceased, and having issued execution thereon, which execution remains unsatisfied in whole for want of personal estate to be levied on and sold; and there being real estate of which the said Ben Somers died seized, and the said executrix having neglected and refused to take proceedings to obtain a sale of said real estate according to law, for the space of one month after being so required, whereby the said Cora A. Somers having duly applied to this Court for an order directing said sale to be made, and this Court having, upon due notice given to such executrix of such application, did inquire into and examine the circumstances of the case, whereupon it did appear to the said Court that the said judgment was wholly unpaid and there was no personal estate belonging to the deceased; and no sufficient cause being shown to the contrary, the said Court did make an order to show cause in the name of such executrix, why the real estate aforesaid should not be sold, in accordance with the proceedings prescribed in relation to the sale of real estate, where the personal estate is insufficient to pay the debts; and the said order having been made returnable more than sixty days after the date thereof, and upon the return thereof no sufficient cause was shown why said real estate should not be sold in the manner above mentioned in order to pay the said judgment;

It is therefore ordered and decreed, by the Orphans' Court in and for the County of Atlantic, on this nineteenth day of September, 1908, that all the following described lands and premises of which the said Ben Somers, died seized and which are situate in the Township of Gallopway, County of Atlantic, State of New Jersey, bounded and described as follows: Beginning at a peg for a corner standing in the middle of the public road leading from Gloucester to Leeds Point where the line between lands formerly William Somers and Chaikin Conovers intersects the same and near Henry H. Graham house (1) south sixty-five degrees and fifteen minutes east 65 deg, eight 14/100 chains bounding in W. Allen and Harry Somers line to a corner in the line of late John Somers (2) south twenty-four degrees and forty-five minutes West 4 deg 45/100 chains to a corner in Enck Somers line (3) north sixty-five degrees and fifteen minutes West bounding in Enck Somers line seven chains and forty-two links to a corner standing in the middle of the Main Shore Road (4) in the middle of said road North thirteen degrees East three chains and fifty-seven links to the beginning containing thence more or less together with the buildings and improvements thereon