

Atlantic County Orphans Court.

In the matter of the Estate of Sarah E. Buck, deceased.

On Petition of Amy A. Van Dyke, one of the heirs of Sarah E. Buck, asking for the removal of Frederick A. Van Dyke, one of the Administrators.

The records in this case show that on April Sixteenth, Nineteen Hundred, Letters of Administration were granted to William B. Van Dyke and Frederick A. Van Dyke, upon the goods, chattels etc. of Sarah E. Buck, deceased.

On the Eleventh Day of April, A. D. 1901 an Inventory of the Estate was filed by the Administrators with the Surrogate.

No accounting had been filed in this Court by either of the Administrators on the Twenty-second Day of July, Nineteen Hundred and One, and on that day a citation issued directed to William B. Van Dyke and Frederick A. Van Dyke, Administrators of the above Estate citing them to file an account at the September Term of this Court Nineteen Hundred and One etc. In response to that citation separate accounts were filed by each of the Administrators on or about the Eleventh Day of September, Nineteen Hundred and One.

No further accounting was made by either of the Administrators up to March Twelfth, Nineteen Hundred and Four, and on that day another citation issued out of this Court directed to Frederick A. Van Dyke commanding him to render an account of the Estate of Sarah E. Buck, deceased at the April Term Nineteen Hundred and Four etc. A citation having previously issued on the Seventh day of March, Nineteen Hundred and Four, directed to William B. Van Dyke, the other Administrator. Both of which citations were duly served as appears by the indorsements thereon.

On the return of the citations neither of the Administrators filed any account. William B. Van Dyke, by his proctor, personally appeared in Court and asked for further time. Frederick A. Van Dyke did not appear in person or by Proctor. But this Proctor, Charles D. Thompson, Esq. wrote a letter directed to this Court asking for further time, which letter in marked Exhibit 1 and filed as part of the record, and also letter in reply marked Exhibit 2 and filed as part of the record.

The Court then fixed the 22d Day of April, 1904, at Ten o'clock in the forenoon of said day, at the time when the matter would be heard. On that day William B. Van Dyke, one of the Administrators by his Proctor appeared in Court and filed a partial account. Frederick A. Van Dyke did not appear either in person nor by proctor, or show cause why he did not respond to the citation, or ask further time. Whereupon the Proctor for Amy A. Van Dyke filed a petition with this Court on the 29th Day of April, 1904, setting forth facts hereinbefore recited and asking that Frederick A. Van Dyke show cause why he should not be discharged and removed as one of the Administrators of said Estate.

Upon said Petition the Court made an order directing him to show cause to this Court on this 12th day of May, 1904, why the prayer of the Petitioner should not be granted.

On the Twelfth Day of May, 1904 at the hour fixed in said order, proctor for Amy A. Van Dyke filed with Court proof of service of the Petition and order on Petition last referred to by which it appears the petition and order was duly served on Frederick A. Van Dyke personally. On filing proof of service Eli H. Bandler, Esq. proctor for Amy A. Van Dyke insisted on the removal of Frederick A. Van Dyke as per prayer in her petition.

Frank H. Hall, Esq. appeared for Charles D. Thompson, Esq. who is Proctor for Frederick A. Van Dyke and asked that further time be given the said Administrator for filing his account and submitted affidavits which were filed. Said affidavits being made by Frederick A. Van Dyke and Charles D. Thompson, Esq.

At the argument on the return of the rule to show cause why Frederick A. Van Dyke should not be removed, it was admitted by the Proctor for the Petitioner as well as by the Proctor for the Administrator Frederick A. Van Dyke, that Amy A. Van Dyke, the petitioner was the Mother and heir at law of Sarah E. Buck, deceased, which fact is also shown by the files in this case.

It also appears from the Inventory, accounts and affidavits as well as by the admission of the Proctors aforesaid that the personal Estate to be administered is not complicated, and that the bills owing by the decedent were not large or numerous, and there appears to be no just reason why this estate, so far as the personalty is concerned for which the Administrators are to account in this Court should not have been settled at the end of one year from the time of taking out Letters of Administration or the regular term of Court nearest thereto, whereas four years have already elapsed and there has been no joint account by the Administrators, and according to the Affidavits of the two Administrators they are unable to account properly to this Court.

The affidavits submitted on this hearing asking for an adjournment, to my mind show conclusively that the Administrator Frederick A. at least should be removed.

An Administrator who cannot keep his accounts in such a shape as to present to the Court their true condition without the aid of experts and attorneys, is unfit to exercise that trust, and the Letter of the Proctor addressed to this Court under date of March 31st, admits that fact as well as the affidavits submitted at this hearing.

It appears by admission of the parties that the Petitioner, Amy A. Van Dyke, one of the heirs, and the Mother of the deceased is an old woman, upwards of eighty years and is liable to die before she ever receives her share of the estate unless the Court should grant the prayer of her Petition.

The administrator in this case has violated every trust reposed in him by the Court and imposed upon him by law relative to his duties. It will be observed that the inventory was not filed until a year after Letters were granted and that no account was filed until a citation had issued, which account showed a large balance in his hands at that time, and no other account has been rendered by him up to this time, nor has any