

pendente lite to conserve and administer the estate of the said deceased so that this court can retain jurisdiction thereof until the final determination of the matter at issue in the above stated cause.

Nancy b. Engle

State of Pennsylvania } ss.
County of Berks

Nancy b. Engle being duly sworn upon his oath according to law, deposes and says that she is the petitioner in the foregoing petition named, and that the matters and things therein contained are true to the best of his knowledge and belief.

Sworn and subscribed before me this seventh day of March 1907 A.D.

M. J. Moffitt
Notary Public
My Com. Exp. Jan. 21, 1911.

Nancy b. Engle

State of Pennsylvania } ss.
County of Berks

I, O. M. Bunnell, Prothonotary of the Court of Common Pleas in and for said County do hereby certify that M. J. Moffitt whose name is signed to the foregoing certificate of acknowledgment, was at the time of taking such acknowledgment, a Notary Public in and for said County duly commissioned and sworn, and residing in said County, and was at the time of taking such acknowledgment duly authorized to take the same, and authorized by the laws of said State to take the proof and acknowledgment of deeds and administer oaths generally, and other instruments, and that I am well acquainted with the handwriting of the said M. J. Moffitt and verily believe that the above signature to said certificate of acknowledgment is genuine.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal at Scranton, in said County, this 7th day of March A.D. 1907.

O. M. Bunnell
per M.

Prothonotary

Orphans Court of Atlantic County.

Between,
Benjamin Hayden et al
Appellants and Caveators
and
Benjamin F. Hayden,
Proponent and Appellee

In the matter of the estate of Daniel Hayden Deceased.

Amended Petition of Appellants.

To the Orphans Court of the County of Atlantic,
1. The Petition of Nancy b. Engle one of the Appellants and Caveators in the above named cause, of the City of Scranton in the State of Pennsylvania, respectfully shows that Daniel Hayden late of Atlantic City in the County of Atlantic and State of New Jersey died on the 14th day of May 1906 leaving a paper writing purporting to be his last Will and Testament where in he appointed his nephew Benjamin F. Hayden

of Stroudsburg, State of Pennsylvania the sole executor thereof without bond, and gave and devised the whole of his estate amounting to twenty eight thousand dollars to the said nephew Benjamin F. Hayden except a life interest in the sum of three thousand dollars to one John Ireland with reversion of the corpus of said sum of three thousand dollars to said Benjamin F. Hayden.
2. That said nephew Benjamin F. Hayden on July 27th 1906 presented the said writing to the surrogate of the said County of Atlantic for probate, and that letters testamentary of the said writing were on the said 27th July 1906 granted by the said surrogate of the said County of Atlantic to the said nephew Benjamin F. Hayden.
3. That in the written application for the grant of letters signed by the said Benjamin F. Hayden the said Applicant states that the next of kin of said deceased were this petitioner, Nancy Engle next of deceased and Benjamin Hayden and and himself whereas in fact there are many other parties next of kin to said deceased, as said applicant well knew at the time of signing said application.
4. That your petitioner alleges and expects to be able to prove that the surrogate has not cited all persons concerned as next of kin and heirs at law, to appear before this Court to show cause why said Will should not be admitted to probate.
5. Your petitioner alleges and expects to be able to prove that the paper writing presented to the surrogate of said County of Atlantic for probate as the last Will and Testament of Daniel Hayden deceased was not duly signed, witnessed, published and declared by the said Daniel Hayden deceased as is last Will and Testament according to the statute in such case made and provided, but ^{was} so signed by him if it was signed by him while the petitioner deny, was not in form, words, context or meaning his last Will.
6. That your petitioner alleges and expects to be able to prove that the said testator had previously executed two wills, which have never been legally or properly revoked and which will provide for the equal distribution of deceaseds estate amongst his next of kin, and that your petitioner is a beneficiary under said Wills.
7. That your petitioner alleges and expects to be able to prove that the deceased shortly before his death informed this petitioner that part of his estate had been left in his Will to this petitioner.
8. That your petitioner alleges and expects to be able to prove that the deceased at the time he is alleged to have signed the paper writing purporting to be his last Will and Testament was not of sound and disposing memory, but was suffering from the effects of two falls he had received which injured his head and brain and rendered him incapable of understanding what he was doing at the time of the execution of said Will, and that said Will was not the Will and intention of the said deceased but was executed by him, if it was executed by him, at the suggestion and by the direction of the said defendant and proponent Benjamin F. Hayden.
9. Your petitioner further avers and expects to be able to