

Atlantic County Orphans' Court.

In the matter of the application of Francisco Paganò for letters of guardianship of Kate and Philip Notts, and also the appeal from the order of the surrogate, appointing Rosario Notts guardian.

Order

A petition having been filed by Francisco Paganò, maternal grandfather of Kate Notts and Philip Notts, minors both under the age of fourteen years, for the removal of Rosario Notts as the guardian of said minor infants, and the appointment of the petitioner, the said Francisco Paganò as the guardian of said minor infants in the place and stead of the said Rosario Notts, and it appearing to the court that the said Francisco Paganò is the nearest of kind of the said minors and that the appointment of the said Rosario Notts by the surrogate, on the eighth day of September, A. D. Nineteen hundred and five, as the guardian of the said minors was made without notice to the said Francisco Paganò of the application for the said appointment, and it further appearing to the court that the said Francisco Paganò, has ever since the appointment of the said Rosario Notts, sought to have the said appointment revoked and set aside and to have himself, the said Francisco Paganò, appointed as guardian of the said minors in the place and stead of the said Rosario Notts;

and it further appearing to the court on appeal of the said Francisco Paganò from the determination of the surrogate to discharge the rule to show cause why the said Rosario Notts should not be removed and the said Francisco Paganò appointed guardian of the said minors in the place and stead of the said Rosario Notts, that the said Francisco Paganò is nearer of kin to the said minors than the said Rosario Notts and is a fit person and is morally and financially qualified to care for the said minors and by reason of his consanguinity is primarily entitled to the guardianship of the said minors and it further appearing that due notice of the appeal from the order of the surrogate on rule to show cause aforesaid, has been given to the said Rosario Notts, and that upon the hearing of the said appeal the said Rosario Notts appeared in person and by his proctor, G. J. King, and the said Francisco Paganò appeared in person and by his proctor, Eli H. Chandler, and witnesses having been examined and it being made to appear before the court by proof, that the said Rosario Notts received his appointment from the surrogate as guardian of the said minors without notice to the said Francisco Paganò of his intention to apply for letters of guardianship and it further appearing that the said Francisco Paganò is the nearest of kin of the said minors and a fit person to act as guardian of them:

It is thereupon, on this twentieth day of July, Nineteen hundred and seven, ordered, that the letters of guardianship granted to the said Rosario Notts as aforesaid, be, and the same are hereby revoked, and the said Rosario Notts is hereby removed from his office as such guardian and it is further ordered that letters of guardianship upon

the estate of the said Kate Notts and Philip Notts be granted to Francisco Paganò, the maternal grandfather of the said minors, upon his giving bond to the ordinary in the sum of Two Thousand Dollars, in manner and form as required by law, with sureties to be approved by this court, and it is further ordered that the said Rosario Notts forthwith surrender and deliver to the said Francisco Paganò the said Kate Notts and Philip Notts, minor heirs, as aforesaid, together with all goods and chattels, money and effects and other assets which he may hold as such guardian, and that he state and settle his account as such guardian at the next term of court and pay and deliver the balance, if any, found to be due upon such accounting, to the said Francisco Paganò, within thirty days after such settlement.

E. A. Higbee
Judge.

Filed & Recorded July 23, 1907.

Emanuel B. Shaver,
Surrogate.