

believing them, as already stated, to be in reference to the money in the bank, said Berkovitz who speaks German having told your petitioner in the German language that he would act as her bondman and take out the money belonging to her late husband which was in the bank.

V. On the thirtieth day of January, Nineteen Hundred and Seven, your petitioner was duly appointed administratrix of the estate of her late husband Joseph Kleinberg, deceased (sometimes known as Joseph Klein) by the Hon. Albert C. Thomas, Surrogate of the County of New York, in the State of New York and duly qualified as such and still is the administratrix of all and singular the goods and chattels, rights and credits of her said deceased husband.

VI. The said Joseph Kleinberg (sometimes known as Joseph Klein) left him surviving your petitioner his wife, and five children, to wit, Joseph Kleinberg, Henry Kleinberg, Katie Kleinberg, Morris Kleinberg and Fannie Marcus, a married daughter.

VII. Some time after the appointment of your petitioner as administratrix, as aforesaid, by the Surrogate of New York County, New York, your petitioner discovered that the paper which your petitioner had signed at Atlantic City, believing as aforesaid that it was some paper in connection with obtaining the said money from the said bank and which was dated October thirty-first, Nineteen Hundred and Six, purported to be a renunciation by your petitioner of all right and claim to administer the goods, chattels and credits of her late husband and requesting the said May Berkovitz to be appointed in her place, that said renunciation had been filed with the Surrogate of said Atlantic County and that letters of administration had been issued by said Surrogate to said May Berkovitz on the first day of November, Nineteen Hundred and Six, upon the estate of your petitioner's late husband. Said Berkovitz is in no wise related to your petitioner nor to her late husband and your petitioner never intended to renounce her right to be appointed administratrix of the estate of her late husband and never intended to have the said Berkovitz appointed as administrator in her place.

Upon discovery of the fraud which had been perpetrated upon her by the said Berkovitz, she wrote requesting him to resign as administrator and was advised that he would do so, but your petitioner says that up to the present time he has not resigned and still does refuse to resign and still administrator of record in the office of the Surrogate of Atlantic County as aforesaid.

Your petitioner shows that she was entirely ignorant of the making of the appointment of the said May Berkovitz as administrator of the estate of the said Joseph Kleinberg (sometimes known as Joseph Klein) or of the proceedings in which he was appointed, that she did not knowingly sign any paper renouncing her right as administratrix and substituting said Berkovitz and her husband in her place and she said alleged re-

resentation and by taking advantage of your petitioner's distressed state of mind incident to the sudden death of her husband and her ignorance of the English language, that it was never her intention to renounce her right of administration or to have the said Berkovitz appointed in her place and that she did not and would not knowingly have consented to any such renunciation or substitution. And your petitioner shows that the said letters of administration by the said May Berkovitz were obtained through fraud and false representation and should be revoked. Your petitioner therefore prays that an order be made by this honorable court regarding the said May Berkovitz to show cause before this honorable court on a day to be named in said order, why the said letters of administration so granted to him as aforesaid should not be set aside and revoked. And your petitioner as in duty bound will ever pray, etc.

Lena Kleinberg
Petitioner.

McBater & English
Proctors of Petitioner

State of New York } ss.
County of New York }

Lena Kleinberg (sometimes known as Lena Klein) being duly sworn on her oath says, I am the petitioner in the foregoing petition named. I have heard the said petition read to me and am acquainted with the contents thereof and the statements and matters and things therein contained are true.

Sworn and subscribed to before me this 16 day of February 1908.

Jacob Klein (seal)
Notary Public, N. Y. Co.
My term expires March 30, 1908.

Lena Kleinberg

Atlantic County Orphans Court.
In the matter of the Estate of Joseph Kleinberg deceased. } An Application for Rule to show cause.
Order

Upon reading and filing the petition of Lena Kleinberg (sometimes known as Lena Klein), It is ordered on this Twentieth day of February Nineteen Hundred and Eight, on motion of McBater & English, proctors of said petitioner, that May Berkovitz show cause before this court at the Court House at May's Landing in said county on the Eighteenth day of March A. D. Nineteen Hundred and Eight, why the letters of administration upon the estate of Joseph Kleinberg (also known as Joseph Klein) originally granted to him by the surrogate of said Atlantic County on the first day of November, Nineteen Hundred and Six, should not be set aside and revoked. And it is further ordered that either side may take objections of any description to the other.