

ASSEMBLY, No. 535

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1921.

By Mr. ROBERTS.

Referred to Committee on Revision of Laws.

AN ACT to amend an act entitled "An act respecting the Orphans' Court, and relating to the powers and duties of the ordinary, and the Orphans' Court and surrogates (Revision one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1 I. Section one hundred and forty-nine of the act to which this act is an amend-
2 ment is hereby amended to read as follows:

3 149. When any order or decree shall be made by the Orphans' Court that any
4 executor, administrator, guardian or trustee shall file an inventory or account, or
5 that any executor, administrator, guardian or trustee shall give security or addi-
6 tional security, or shall do or perform any act or thing which the court by this
7 act is authorized to order or direct, and such executor, administrator, guardian or
8 trustee, having legal notice of such decree or order, shall refuse or neglect to per-
9 form or obey the same within such time as the court shall name, or if it shall
10 be made to appear before said court by proof, on complaint duly made by any
11 person interested, that any executor, administrator, guardian or trustee has em-
12 bezzled, wasted or misapplied any part of the estate committed to his custody, or
13 has abused the trust and confidence reposed in him, or if it shall appear before
14 said court by proof on complaint made by any person interested that any one of

15 several executors, administrators, guardians or trustees has failed, neglected or re-
16 fused to properly perform his duties as such executor, administrator, guardian or
17 trustee, or has failed, neglected or refused to join with the other executors, ad-
18 ministrators, guardians or trustees in the administration of the estate committed
19 to their care, and by such failure, neglect or refusal has hindered or prevented the
20 proper administration or settlement of such estate, the said Orphans' Court may
21 revoke the letters of such executor, administrator or guardian, and remove such
22 executor, administrator, guardian or trustee from office.

1 2. This act shall take effect immediately.

STATEMENT

This act is intended to amplify and extend the provisions of section 149 of the Orphans' Court Act, so as to make it possible for the Orphans' Court, upon proof presented to it, to remove one of several executors, administrators, guardians or trustees who shall fail, neglect or refuse to join with the other executors, administrators, guardians or trustees in the administration of an estate in their care. Under the present act, a proper remedy is not given in such a case.