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(In effect September 29th, 1907.)

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The Estate Of The Late Richard D. Hynson.

So much interest has been manifested in the estate of the late Richard D. Hynson, where letters were granted to Messrs. Lewin W. Wickes and William W. Beck, that we have determined to publish from the records of the case the following extracts which will show the extent of the recent decision handed down by the Court of Appeals. From this it will be easy for the public to determine exactly how the matter now stands and what questions will be submitted to the jury at the April Term of Court to determine whether Messrs. Wickes and Beck or Mrs. Slay shall administer on the estate.

After the Orphan's Court appointed Messrs. Wickes and Beck, Administrators, Mrs. Slay filed objections and asked that their letters should be revoked by the Orphan's Court, alleging that it had no authority to appoint them administrators of her brother's estate.

Messrs. Wickes and Beck objected to the revocation of their letters and on July 23, 1907, asked that the Orphan's Court should take no action but send to the Circuit Court for trial by a Jury 17 questions of facts called Issues, and these Issues are as follows:—

1. Whether or not the renunciation of Mrs. Emma A. Hynson to administer on the estate of Richard D. Hynson, deceased, left Mrs. Augusta E. Slay free to assert her claim to administer upon said estate.

2. Whether or not Mrs. Augusta E. Slay is next entitled to administer upon the estate of Richard D. Hynson, deceased, after Mrs. Emma A. Hynson renounced her right to administer upon said estate.

3. Whether or not letters of administration on the estate of Rich. D. Hynson, deceased, were illegally granted and committed unto William W. Beck and Lewin W. Wickes.

4. Whether or not Mrs. Augusta E. Slay had notice from the Orphan's Court of Kent county or from any one else of the appointment of William W. Beck and Lewin W. Wickes as administrators of the estate of Richard D. Hynson, deceased, or of the intention of said Court to appoint the said William W. Beck and Lewin W. Wickes administrators of said estate until said appointment had been actually made.

5. Whether or not Mrs. Augusta E. Slay waived citation and notice to appear in the Orphan's Court of Kent county and show cause why letters of administration should not be granted to William W. Beck and Lewin W. Wickes on the estate of Richard D. Hynson, deceased.

6. Whether or not Mrs. Carolene L. Hynson waived citation and notice to appear in the Orphan's Court of Kent county and show cause why letters of administration should not be granted to William W. Beck and Lewin W. Wickes on the estate of Richard D. Hynson, deceased.

7. Whether or not Mrs. Emma A. Hynson renounced her right to administer on the estate of Richard D. Hynson, deceased, upon an agreement and understanding with Mrs. Carolene L. Hynson that letter of administration upon the said estate should be granted to William W. Beck and Lewin W. Wickes.

8. Whether or not letters of administration were granted to William W. Beck and Lewin W. Wickes on the estate of Richard D. Hynson, deceased, with the consent and approval of Mrs. Carolene L. Hynson.

9. Whether or not letters of administration on the estate of Richard D. Hynson, deceased, were granted to William W. Beck and Lewin W. Wickes with the knowledge and approval of Mrs. Agustus E. Slay.

10. Whether or not Mrs. Augusta E. Slay has renounced or waived any right which she might otherwise have to administer upon the estate of Richard D. Hynson, deceased.

11. Whether or not Mrs. Carolene L. Hynson has renounced or waived any right which she might have to administer upon the estate of Richard D. Hynson, deceased.

12. Whether or not Mrs. Augusta E. Slay is physicially capable of administering upon the estate of Richard D. Hynson, deceased.

13. Whether or not the renunciation of Mrs. Emma A. Hynson of her right to administer upon the estate of Richard D. Hynson, deceased, was executed and filed under the belief that her recommendation for the appointment of William W. Beck and Lewin W. Wickes as administrators of the estate of Richard D. Hynson, deceased, was understood and assented to by Mrs. Carolene L. Hynson and Mrs. Augusta E. Slay.

14. Whether or not Mrs. Carolene L. Hynson was unwilling for and objected to Mrs. Emma A. Hynson administering upon the estate of Richard D. Hynson, deceased, and advised the said Mrs. Emma A Hynson to have William W. Beck and Lewin W. Wickes appointed as administrators of said estate.

15. Whether or not Mrs. Carolene L. Hynson represented Mrs. Augusta E. Slay and other personal representatives of Richard D. Hynson, deceased, when Mrs. Emma A. Hynson renounced her right to administer on the estate of Richard D. Hynson, deceased, and recommend the appointment of William W. Beck and Lewin W. Wickes as administrators on said estate.

16. Whether or not the interests of Mrs. Augusta E. Slay are antagonistic to the interests of the widow and minor children of Richard D. Hynson, deceased, in the estate of the said Richard D. Hynson.

17. Whether or not the renunciation of Mrs. Emma A Hynson of her right to administer upon the estate of her husband, Richard D. Hynson, deceased, was executed and filed in the Orphan's Court of Kent county, Maryland, under a mistake of fact.

On the same day Mr. Slay filed a petition objecting to the granting of these seventeen issues, and suggested that the only question of fact governing the decision of this case is a very simple one as to whether Mrs. Augusta E. Slay, has in any way renounced or waived her rights to administer on said estate, and prayed the following questions should be substituted for the seventeen issues above.

1. Has Agusta E. Slay renounced or waived her rights to take out letters of administration on the estate of Richard D. Hynson deceased.

After considering the matter the Orphan's Court on August 20th passed an order directing that the following 7 issues should be sent to the Circuit Court for Kent county for trial by a jury.

1st. Whether or not Mrs. Augusta E. Slay waived citation and notice to appear in the Orphans' Court of Kent county and show cause why letters of administration should not be granted to William W. Beck and Lewin W. Wickes on the estate of Richard D. Hynson, deceased.

2nd. Whether or not Mrs. Emma A. Hynson renounced her right to administer on the estate of Richard D. Hynson, deceased, upon an agreement and understanding with Mrs. Carolene L. Hynson, while representing the personal representatives of R. D. Hynson, deceased, that letters of administration upon the said estate should be granted to William W. Beck and Lewin W. Wickes.

3rd. Whether or not letters of administration on the estate of Richard D. Hynson, deceased, were granted to William W. Beck and Lewin W. Wickes with the knowledge and approval of Mrs. Augusta E. Slay.

4th. Whether or not, Mrs. Augusta E. Slay has renounced or waived any right which she might otherwise have to administer upon the estate of Richard D. Hynson, deceased.

5th. Whether or not, Mrs. Carolene L. Hynson represented Mrs. Augusta E. Slay, and the other personal representatives of Richard D. Hynson, deceased and while representing them was unwilling for, and objected to, Mrs. Emma A. Hynson administering upon the estate of Richard D. Hynson, deceased and advises the said Mrs. Emma A. Hynson to have William W. Beck and Lewin W. Wickes appointed as administrators of said estate and consented to said appointment and whether or not the said Mrs. Emma A. Hynson renounced her right to administer upon said estate under said advice, and recommended the appointment of William W. Beck and Lewin W. Wickes administrators of said estate.

6th. Whether or not, the interests of Mrs. Augusta E. Slay are antogonistic to the interests of the widow and minor children of Richard D. Hynson, deceased, in the estate of the said Richard D. Hynson.

7th. Whether or not the renunciation of Mrs. Emma A. Hynson of her right to administer upon the estate of her husband, Richard D. Hynson, deceased, was executed and filed in the Orphan's Court of Kent county, Maryland, under a mistake of fact.

And it is further ordered, upon the trial of said issues, that Mrs. Augusta E. Slay shall be plaintiff and William W. Beck and Lewin W. Wickes, administrators of Richard D. Hynson, deceased, shall be defendants.

From the decision of the Orphans' Court, Mr. Slay appealed to the Court of Appeals in Annapolis, and contended that the 4 issue was the only ones which should be granted in the case, asking that it be divided into two issues: 1st, Whether or not Mrs. Slay renounced her right to administer; 2nd, Whether or not Mrs. Slay had waived her right to administer. He contended that the court could grant an issue as to whether Mrs. Emma A. Hynson had renounced under a mistake of fact her right to administer, provided she personally petitioned and ask for such an issue, but that in this case she had filed no petition and had not asked for such issue.

Mr. Slay also contended as the grant of letters to Messrs. Wickes and Beck was illegal and unauthorized that therefore they should be made plaintiffs, and as Mrs. Slay has at present a legal right to administer, that Mrs. Slay should be made the defendant, so that the burden of proof would fall upon Messrs Wickes and Beck to show to the satisfaction of the jury the truth of such issues as the Court of Appeals might grant.

The case was argued in November last and was decided on January 9th last, Judge Briscoe handing down the decison. In deciding the case Judge Briscoe used the following language.

"The fourth issue, whether or not Mrs. Augusta E. Slay has renounced or waived any right, which she might otherwise have to administer the estate of Richard D. Hynson, deceased, presents two of the questions in dispute. As suggested by the appellant, the point intended to be presented by it could be better submitted in two issues, to read as follows.

"(1). Did Mrs. Augusta E. Slay ever renounce her right to letters of administration upon the estate of Richard D. Hynson, deceased.

"(2). Did Mrs. Augusta E. Slay waive her right to letters of administration upon the estate of Richard D. Hynson, deceased.

"These two issues, involving the questions of renunciation and waiver, by Mrs. Slay, raised by the answer of the appellees, and the replication, of the appellant, together with the seventh issue, which submits the question as to whether Mrs. Hynson's (the widow) renunciation was executed under a mistake of fact, present the material questions in dispute, and covers the entire case, under the pleadings. The remaining issued frames and sent to be submitted to a jury, submit immaterial and misleading propositions and should have been rejected by the Orphan's Court.

"The Court also committed an error in directing, that upon the trial of issues, as granted, the appeliant should be made plaintiff, and the appelless, defendants. The burden of proof rests upon the appellees, to show the legality of their appointment, upon the issues as framed.

"We cannot perceive, upon what ground, under the pleadings in this case, the appellees, can assert a claim or right to letters of administration upon the decedent's estate.

"For the error, in granting the first, second, third, fifth and six issues, and for the error in ordering that the appellant shall be plaintiff and the appellees defendants upon the trial of issues the order of the Orphan's Court will be reversed and the case remanded, to the end that issues may be granted, as herein indicated.

"Order reversed, and case remanded with costs."

MAY UNITE DIOCESE

Consolidation of Those of Delaware And Easton Talked of.

As a sequel to the election of a bishop for the Episcopal Diocese of Delaware at a special convention in St. Andrew's Church in Wilmington February 19, to succeed the late Bishop Coleman, it was stated on Saturday that the question of merging the Delaware diocese with the Diocese of Easton is being seriously considered. The latter diocese embraces the Eastern Shore of Maryland. The union, it is declared, would be mutually beneficial. Prominent clergymen of the Delaware diocese are consulting with the clergy of the Easton diocese to learn their views. If an agreement is reached an appeal will be made to the General Convention of 1910 to ratify the consolidation. Should this be done, the Bishop of Delaware, to be elected next month, would act as bishop coadjutor to Bishop Adams, of the Easton diocese, and would be in the line of succession as bishop of the consolidated diocese.

This project was first broached in 1819, and again 22 years ago. The matter cannot be acted upon at the forthcoming special convention because it would be irrelevant. It may, however, be taken up at the annual diocesan convention in June. We understand that the matter of the consolidation of the two Dioceses has been discussed before, and it has been found impracticable.

Among those mentioned for the bishopric are Bishop Brent, now in the Phillippines; Archdeacon George C. Hall and Rev. F. M. Kirkus, of Wilmington, and Rev. Floyd W. Tompkins and Rev. N. S. Thomas, of Philadelphia.

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