

At a Surrogate's Court, held in and  
for the County of Herkimer, at  
the Surrogate's Office in the  
Village of Herkimer, on the 23<sup>rd</sup>  
day of July 1906.

Present, Hon. Robert F. Livingston  
Surrogate.

Surrogate's Court - County of Herkimer.

In the Matter of the Estate of  
Samuel Slade, late of the  
town of Litchfield, deceased; in  
proceedings for the sale of  
Real property to pay debts.

On reading and filing the veri-  
fied petition of George S. Slade admin-  
istrator of the estate of Samuel Slade  
late of the town of Litchfield in the  
County of Herkimer, N. Y., deceased, dated  
the 17<sup>th</sup> day of July 1906, and filed in  
the Surrogate's Office, in said County  
on the 23<sup>rd</sup> day of July 1906, praying for  
authority to dispose of and sell the  
real property of said decedent for the  
payment of his debts and funeral  
expenses; and it appearing that  
said petition has been presented  
within three years from the time  
the letters testamentary upon the  
estate of the said decedent were granted  
and issued; and the Surrogate being  
satisfied by the said petition and by due  
inquiry by him made, that all the  
facts specified in Section 2752 of the  
Code of Civil Procedure have been ascer-  
tained as far as same can be, upon  
diligent inquiry for that purpose,

and are stated in said petition; and  
it appearing to the Surrogate, in the  
manner aforesaid, that the debts and  
funeral expenses of said decedent  
cannot be paid without resorting to the  
real property of said decedent:

Now, on motion of Myron M. Crandall  
attorney for said petitioner

It is Ordered, That a citation issue  
out of this Court, requiring Peter A. Miller  
of Bridgewater, N. Y. Elmer E. Rider of Sarqueville  
N. Y. Burton L. Rider of Minetta N. Y. Fred D.  
Rider of Bristol Illinois and Flora W.  
Rider of Rodaway Iowa, to appear in  
the Surrogate's Court of the County of  
Herkimer, N. Y., at the office of the  
Surrogate, in the village of Herkimer  
in said County, on the 17<sup>th</sup> day of  
September 1906, at 10 o'clock in the fore-  
noon of that day, there and there to  
show cause, if any they have, why  
the real property or interest in real  
property of said decedent should not be  
disposed of for the payment of the  
debts and funeral expenses of said  
decedent, and why authority should not  
be given said George S. Slade or such  
administrator as aforesaid, to dispose of,  
mortgage, lease or sell so much of the  
real property or interest in real pro-  
perty of said decedent as shall be necessary  
to pay the debts and funeral expenses  
of said deceased. And it now appear-  
ing that the said administrator  
has published, as prescribed by law, a  
notice requiring creditors of said de-  
cedent to present their claims, and the

time for the presentation thereof, pursuant to such notice, has elapsed, let said citation be directed, generally, to all other creditors of said decedent as well as to the creditors named in said petition.

Robert F. Livingston  
Surrogate.

At a Surrogate's Court, held in and for the County of Herkimer, at the Surrogate's office in the village of Herkimer, on the 17th day of September, 1906.

Present, Hon. Robert F. Livingston,  
Surrogate.

Surrogate's Court, County of Herkimer.

In the Matter of the Estate of Samuel Slade, late of the town of Litchfield, deceased, in Proceedings for the Sale of Real Estate to pay debts.

George S. Slade the administrator of the estate of Samuel Slade late of the town of Litchfield, in the County of Herkimer N.Y., deceased, having heretofore, and within three years after the issuing of letters of administration upon the estate of said deceased, duly presented to the Surrogate's Court of the County of Herkimer, N.Y., his petition, duly verified, and bearing date the 17th day of July, 1906, praying for a decree directing

a disposition of said decedent's real property, or interest in real property, by mortgage, lease or sale thereof, to pay his debts and funeral expenses, or so much thereof as may be necessary for that purpose, and for the necessary citation to be issued to the proper parties, and the Surrogate being satisfied, after due examination, that a proper case has been made, and that all the facts specified in Section 2752 of the Code of Civil Procedure have been ascertained, as far as can be, upon diligent inquiry, and it appearing to the Surrogate that the debts and funeral expenses of said decedent cannot be paid without resorting to the real property or interest in real property, of the decedent, described in said petition, and a citation pursuant to the prayer of said petition having been duly issued out of this Court to Hester A. Miller, Bridgewater, N.Y., Elmer E. Rider Saugivict, N.Y., Burton L. Rider, Minetto, N.Y., Fred D. Rider, Bristol, Illinois and Leon W. Rider, Nodaway, Iowa, the persons named in said petition, and to all other necessary parties, as prescribed in Title Fifth of Chapter Eighteen of the Code of Civil Procedure, citing them, and each of them, to appear before the Surrogate's Court, at the Surrogate's Office, in the Village of Herkimer, in said County of Herkimer, on the 17th day of September, 1906, at ten o'clock in the forenoon of that day, then and there to show cause why such decree should not be made, and said citation having been returned, and filed in said Surrogate's Court

with proof of due and legal service thereof upon all of the aforesaid parties to whom the same was directed.

And the said George S. Slade having appeared on said return day personally, and by Myron M. Crandall, Esq., his attorney, and the said Elmer E. Rider and Burton L. Rider having appeared personally, and there being no other appearances, and the said matter having been regularly called in open court by the said Surrogate, and the proper proceedings, in due form of law, having been thereupon had, and the said Surrogate having thereupon heard the proofs and allegations of the parties, and there being no objection to the granting of the prayer of said petition;

Now, therefore, after due examination by said Surrogate, it is hereby found and adjudged, that the following facts have been sufficiently and satisfactorily proven and established.

I. That the said petitioner has fully complied with the requisite provisions of the Statute, concerning the disposition of decedent's real property for the payment of debts and funeral expenses; and that the proceedings herein have been in conformity to Title Five of Chapter Eighteen of the Code of Civil Procedure.

II. That the debts or liens, or both, for the payment of which this decree is made, are the debts of the decedent, or are just and reasonable charges for his funeral expenses, or are liens by judgment, existing at his death upon his real

property, or upon some portion thereof and are justly due and owing. And that the following claims, for the purpose of paying which this decree is made, are valid and subsisting debts and claims against said decedent's real property and estate, to wit:

Creditors	When Due	Items	Total.
George S. Slade	Mar. 5 <sup>th</sup> 1906.	Balance of Claim allowed by Herkimer County Surrogate's Court on Final Accounting of Administrator of Samuel Slade's estate.	\$461.93

III. That the claims above allowed amount, in the aggregate, to the sum of \$461.93. That none of said debts are secured by mortgage, nor are the same expressly charged by said decedent's will upon the decedent's real property or interest in real property.

IV. That the property hereinafter described was not effectually devised, or expressly charged with the payment of the debts, or funeral expenses, of said decedent, and is not subject to a valid power of sale for the payment thereof.

V. That the said Administrator of the estate of said decedent has proceeded, with reasonable diligence, in converting the personal property of said decedent into money, and applying the same to the payment of the debts and funeral expenses of said decedent, and that such personal property is insufficient for the payment of same, as established by this decree. And the Surrogate having thereupon duly inquired whether sufficient money can be raised advan-

tagonously to the persons interested in the real property of said decedent, by a mortgage, or lease, of the real property of which the decedent died seized, or a part thereof; and it appearing that all of said real property owned by the said Samuel Slade, deceased, at the time of his death, or interest in real property, has heretofore been sold by virtue of a judgment of the Herkimer County Court in an action of partition, and that the surplus moneys from said sale were duly paid to the County Treasurer of Herkimer County, N. Y.; and it appearing to said Surrogate, upon inquiry made, as aforesaid, that sufficient money cannot be raised advantageously to the persons interested in said real property, or interest in real property, described in said petition, and hereinafter described, by mortgage or lease thereof, the same having been heretofore sold as aforesaid, and that there remains in the hands of said County Treasurer of Herkimer County, N. Y., surplus moneys from the sale of said real property or interest in real property aforesaid, amounting to \$1660.91.

Now, on motion of Myron M. Crandall, Esq., Attorney for the said George S. Slade, It is hereby Ordered, Adjudged and Decreed that the personal property of said decedent is insufficient for the payment of his debts and funeral expenses.

That the aforesaid claim and demand of the person hereinbefore named, in the amount hereinbefore named is a

valid and subsisting debt, claim and demand against the estate of said decedent.

And, It is further Adjudged and Decreed that for the purpose of paying the debts and funeral expenses of said decedent, the said surplus moneys of the sale of said real property, or interest in real property, hereinafter described, and described in said petition, and which surplus moneys are now in the hands of the County Treasurer of Herkimer County, N. Y., less the fees and commissions of said County Treasurer, be paid by the Surrogate's Court of Herkimer County, N. Y., (after the same has been paid by said County Treasurer of Herkimer County, N. Y., into said Surrogate's Court) to the said George S. Slade as such administrator upon his giving the bond prescribed by law in the sum of \$3325. with two or more sureties, to be approved by the Surrogate, to be applied by the said George S. Slade in the payment of said claim of \$461.93 and to be distributed by him as if it was the proceeds of said decedent's real property, sold pursuant to this decree, pursuant to section 2799 of the Code of Civil Procedure.

That the real property, or interest in real property, described in said petition, of which the said Samuel Slade died seized and possessed and which was sold in said action of partition is described as follows:-

All that certain tract, piece or parcel of land, situated in Litchfield aforesaid, being a part of Lot No. 43 in Bayard's Patent, and bounded as follows: Beginning

in the center of the road leading north-  
 ly and southerly through said Lot No. 43  
 and on the north-easterly corner of Jesse  
 Pelton's land, and running thence  
 South  $52^{\circ} 05' E$  27.75 chains to a stake and  
 stones, thence  $S. 52^{\circ} 15' E$  17.00 chains to a  
 stake and stones in the Easterly line  
 of said Lot No. 43, thence  $N. 37^{\circ} E$  4.94 chains  
 on the Easterly line of said Lot No. 43 to  
 a stake and stones, thence  $S. 52^{\circ} 27'$   
 $W$  41.43 chains to the center of the afore-  
 said road, thence  $S. 55^{\circ} 45' W$  41.43 chains  
 in the center of said road to the first  
 mentioned bound, containing 33 acres,  
 2 rods and 13 rods of ground be the  
 same more or less. Being the same  
 premises conveyed by John Mead and  
 Sarah his wife to Samuel Slade by  
 warranty deed bearing date the 30th  
 day of March, 1858, and recorded in  
 Herkimer County Clerk's Office June  
 24th, 1858, in Book No. 68 of Deeds, page 534.

Also all that certain piece or parcel  
 of land situated, lying and being in  
 the town of Litchfield aforesaid known  
 and distinguished as being part of  
 Lot No. 43 in Bayard's Patent and  
 bounded as follows, viz, Beginning at  
 a stake and stones standing in the  
 easterly line of said Lot No. 43 and in  
 the northeasterly corner of the piece  
 of land herein described and running  
 thence  $N. 55^{\circ} W$  39.10 chains to a stake  
 and stones. Thence  $S. 51^{\circ} W$  6.50 chains  
 to a stake and stones. Thence  $S. 55^{\circ}$   
 $E$  41.30 chains to a stake and stones. Thence  
 $N. 35^{\circ} E$  6.22 chains to the place of begin-

ning. Containing by estimation 25 acres,  
 and 65 rods of ground be the same more  
 or less. Said piece of land is bounded  
 north by Oliver Rising's land, on the  
 south by Lester Huntley's land and west  
 by the highway. Being the same  
 premises conveyed by Benjamin Jones  
 and Catharine his wife to Samuel  
 Slade by warranty deed bearing date  
 the 1st day of April, 1846, and recorded  
 in Herkimer County Clerk's office Dec. 25,  
 1846 in Book No. 51 of Deeds page 355.

Also all that piece or parcel of land  
 lying and being in the Town of Litch-  
 field, County of Herkimer and State of New  
 York, being part of Lot No. 43 in Bayard's  
 Patent and bounded as follows: Beginning  
 at the north-westerly corner of a piece of  
 land belonging to Jesse and Brace  
 Pelton and running  $S. 55^{\circ} E$  22 chains,  
 thence  $N. 35^{\circ} E$  8 chains and 88 links,  
 thence  $N. 54^{\circ} W$  22 chains thence  $S. 35^{\circ} W$  9  
 chains to the place of beginning con-  
 taining 19 acres, 2 rods and 27 rods of  
 land as described in a survey bill  
 made by Abraham Woodruff, Being the  
 same premises conveyed by Levi S.  
 Knight and Julia Ann his wife  
 to Samuel Slade by warranty deed bear-  
 ing date the 1st day of January, 1850,  
 and recorded in Herkimer County Clerk's  
 Office July 1, 1850 in Book No. 57 of Deeds  
 page 584.

Also all that certain piece or parcel  
 of land situate in the County of  
 Herkimer and being part of Lot No. 44 in  
 patent of land granted by William Bayard

and others on the south side of the Mohawk river and bounded as follows; viz - Beginning on the southerly corner of said Lot 44 and running from thence on the south-westerly line of said Lot N. 54° W. 18 chains and 50 links to a stake and stones thence N. 36° E. 35 chains and 30 links to a stake and stones on the southerly line of a tract of land surveyed to Joseph Knight, thence S. 54° E. 18 chains and 25 links to the Easterly line said Lot No. 44 at a stake and stones, thence on the said easterly line to the place of beginning. Containing 65 and one-half acres of land be the same more or less. Being the same premises conveyed by Anthony Slade by warranty deed bearing date the 1st day of April 1840, and recorded in Herkimer County Clerk's office N. 27, 1843 in Book No. 47 of Deeds page 181.

Robert A. Livingston  
Surrogate.

Know All Men by These Presents, that we, George S. Slade, as principal, and John H. Stephens and Henry Hitterman, as sureties, each severally residing at the village of West Winfield, County of Herkimer and State of New York, are held and firmly bound unto the People of the State of New York, in the sum of Three Thousand Three Hundred and Twenty Five Dollars (\$3,325.), lawful money of the United States of America, to be paid to the said People, to which

payment well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals. Dated the 26th day of September, one thousand nine hundred and six.

Whereas, the above bounden George S. Slade, administrator of the estate of Samuel Slade, deceased, lately made application to the Surrogate's Court of the County of Herkimer, N. Y., for authority to dispose by mortgage, lease or sale, of as much of the real property of the said Samuel Slade, deceased, as shall be necessary to pay his debts, which said real property was sold in an action of partition in the Herkimer County Court prior to the making of said application, and the surplus moneys in said action paid to the County Treasurer of Herkimer County, N. Y.

And Whereas, such proceedings in due form of law have been had upon said application, that the Surrogate has by a Decree made and entered in Herkimer County Surrogate's Office, bearing date the 17th day of September, 1906, ordered and directed that the surplus moneys of the sale of the real estate of the said Samuel Slade, deceased, described in said Decree, and in the Petition in said proceeding, then in the hands of the County Treasurer of Herkimer County, N. Y., less the fees and commissions of said County Treasurer, be paid by the Surrogate's Court of Herkimer

County, N.Y. to said George S. Slade as such administrator, to be applied by him in payment of a certain claim against said estate of \$461.93 and distributed by him as if said surplus moneys of said sale were the proceeds of said decedent's real property, sold pursuant to said decree, pursuant to Section 2799 of the Code of Civil Procedure, upon his giving the bond prescribed by law in the penalty of \$3325., with two or more sureties, to be approved by the Surrogate.

The Condition of this obligation is such, that if the above bounden George S. Slade shall faithfully perform the duties imposed upon him by said Decree, and shall pay said claim of \$461.93 and shall distribute and fully account for all moneys received by him pursuant to the directions of said Decree, and account for said moneys so received whenever required so to do by a Court of Competent Jurisdiction, then this obligation to be void, otherwise to remain in full force and effect.

George S. Slade (L.S.)

John H. Stephens (L.S.)

Henry Hiteman (L.S.)

County of Herkimer, N.Y.,

The above named John H. Stephens being duly sworn, doth depose and say that he resides at West Winfield, in said County of Herkimer; that he is a free-holder within the State of New York, and is worth the sum

of Three Thousand Three Hundred and Twenty Five Dollars over and above all debts which he owes, and all liabilities he has incurred, and exclusive of property exempt by law from levy and sale under an execution. Subscribed and sworn to before me this 26 day of September, 1906.

John H. Stephens.

C. J. Rose

Justice of the Peace.

County of Herkimer, N.Y.

The above named Henry Hiteman being duly sworn, doth depose and say that he resides at West Winfield in said County of Herkimer; that he is a free-holder within the State of New York, and is worth the sum of Three Thousand Three Hundred and Twenty Five Dollars over and above all debts which he owes, and all liabilities he has incurred, and exclusive of property exempt by law from levy and sale under an execution.

Subscribed and sworn to before me this 24 day of September, 1906.

Henry Hiteman

C. J. Rose

Justice of the Peace.

County of Herkimer, N.Y.

On this 26 day of September, 1906, before me, came George S. Slade, John H. Stephens and Henry Hiteman severally known to me to be the individuals described in and who executed the foregoing bond, and respectively acknowledged that they executed the same.

A. J. Rose  
Justice of the Peace.

I hereby approve of the foregoing bond and of the sufficiency of the sureties therein named.

Dated, the 1st day of October, 1906.

Robert F. Livingston  
Surrogate.

At a Surrogate's Court, held in and for the County of Herkimer, at the Surrogate's Office in the Village of Herkimer, N.Y., the 1st day of October, 1906.

Present, Hon. Robert F. Livingston,  
Surrogate.

Surrogate's Court County of Herkimer.

In the matter of the Estate of Samuel Slade, late of the town of Litchfield, deceased, in Proceedings for the Sale of Real estate to pay debts.

A decree bearing date the 17th day of September 1906 having been made in the above entitled matter directing that the surplus moneys of the sale of the real property or interest in real property, described in said decree, and in the petition in the above entitled proceeding, remaining in the hands of the County Treasurer of Herkimer County, N.Y. at the date of said decree, less the said County Treasurer's fees and commissions, be paid by the Surrogate's

Court of Herkimer County, N.Y. (after the same has been paid by said County Treasurer of Herkimer County, N.Y. into said Surrogate's Court) to George S. Slade as administrator of the estate of said Samuel Slade, deceased, upon his giving the bond prescribed by law in the penalty of \$3325. with two or more sureties, to be approved by the Surrogate, to be applied by the said George S. Slade in payment of a certain claim of \$461.93, and to be distributed by him as if it was the proceeds of said decedent's real property, sold pursuant to said decree, pursuant to section 2799 of the Code of Civil Procedure, and the said George S. Slade, administrator of the estate of said decedent, having executed the bond referred to in said decree as prescribed by law in the penalty of \$3325. with two sureties, and the requisite justification of sureties, which bond has been duly approved by said Surrogate and filed in the Surrogate's Office in said County of Herkimer, and the said surplus moneys of the sale of said real property or interest in real property of said decedent having been paid by said County Treasurer of Herkimer County, N.Y. into said Surrogate's Court of Herkimer County, N.Y. pursuant to an order of the Herkimer County Court, in an action in that Court, entitled, George S. Slade, individually and as administrator oc., vs. Hester A. Miller et al. made on the 24th day of September, 1906 and duly entered in the Clerk's



Office of Surrogate County, N. Y., on that date,

Now, therefore, on motion of Myron M. Randall, attorney for said administrator, George S. Slade,

It is Ordered, Adjudged and Decreed that said Administrator proceed to execute the said Order and Decree made by said Surrogate's Court on the 17<sup>th</sup> day of September, 1906, as aforesaid with respect to the payment and distribution of said surplus moneys and proceeds of sale of said real estate therein mentioned and described, and in all other respects.

Robert F. Livingston,  
Surrogate.

Petition filed and order for citation entered July 23/1906 affidavit to obtain order of Publication filed and order for service of citation out of State or by Publication entered July 23/1906; Citation and Proof of Service and Evidence filed September 17/1906; Decree entered in Vol 8 of Minutes Orders and Decrees on Sale of Real Estate page 420 on September 24/1906 Bond recorded on Page 428 of this Book on Oct 1<sup>st</sup> 1906; Order directing execution of Decree entered on page 432 of this Book on October 1<sup>st</sup> 1907.

The final Decree in this Estate is entered in Book 2 of Decrees of Final Accounting page 473 on April 15<sup>th</sup> 1907

At a Surrogate Court held in and for the County of Surrogate, State of New York, on the 10<sup>th</sup> day of August, 1906.

Present, Hon. Robt. F. Livingston,  
Surrogate.

In the Matter of the Application of John H. Begley, sole administrator of the Estate of Michael Herlihy, deceased, for an order to apply the decedent's real property to the payment of debts.

On reading and filing the petition of John H. Begley, the administrator aforesaid, verified on the 2<sup>d</sup> day of August and presented this 2<sup>d</sup> day of August, 1906, praying for authority to sell the real property of the said decedent for the payment of his debts, it appearing to the Surrogate that said petition has been presented within three years from the date the Letters of Administration on the Estate of the said decedent were first granted, and the Surrogate being satisfied by the said petition that all the facts specified in Section 2752 of the Code of Civil Procedure have been ascertained as far as they can be upon diligent inquiry, and are stated in said petition;

And it appearing to the satisfaction of the Surrogate as aforesaid that the debts of the said decedent cannot be paid without resorting to the real property of said decedent;