A.W.T. PAPERS 1917

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

Surrogate's Court, Chautauqua County

IN THE MATTER OF THE ESTATE OF

.....EMMA..K...TOURGEE,.....
Deceased.

Account of Proceedings.

To the Surrogate of the County of Chautauqua:

.....We, Elizabeth S. Warner and Richmond Moot, respectively of Mayville, N.Y. and ....of the...city..of..Schenectady,..N.Y.....of.....do render the following account of.....our.....proceedings as.....Executors.....of the ....will.....of .....Emma..K...Tourgee.....late of the.....village.....of .....Mayville,.....deceased: On the.....7th.....day of....February,.... A. D. 1916...., Letters...testamentary.....were issued to .....us..... and on the..10th.....day of...April,.....A. D. 1916,..., .we.....caused an inventory of the personal estate of the deceased to be filed in this office, which personal estate, therein set forth, amounts by appraisement by the appraisers, duly appointed to $..7,771..45.

Schedule A, hereunto annexed, contains a statement of all the property contained in said inventory, sold at public or private sale, with the prices and manner of sale; which sales were fairly made at the best prices that could then be had; also a statement of all the debts due the said estate, and mentioned in said inventory, which have been collected; also a statement of all interest for moneys received, for which...we..are....legally accountable; and also a statement of all property not contained in said inventory, which has come to.....our.....knowledge or possession.

Schedule B, hereunto annexed, contains a statement of all debts in said inventory not collected or collectable, together with the reasons why the same have not been collected and are not collectable, and of the articles of personal property mentioned in said inventory, unsold, and the reasons of the same being unsold, and their appraised value; and also a statement of all property mentioned therein, lost by accident, without any willful default or negligence, the cause of its loss and appraised value. No other assets than those in said inventory, or herein set forth have come to.....our.....possession or knowledge, and all the increase or decrease in the value of any assets of said deceased, is allowed or charged in said Schedules A and B.

Schedule C, hereunto annexed, contains a statement of all moneys paid by.....us...for funeral and other necessary expenses for said estate, together with the reasons and object of such expenditure.

On or about the..10th...day of....February,...in the year 1916,.....We..... caused a notice for claimants to present their claims against the said estate within the period fixed by law and at a certain place therein specified to be published according to law for six months, pursuant to an order of the Surrogate of the County of Chautauqua.

Schedule B, hereunto annexed, contains a statement of all the claims of creditors presented to and allowed by ...us..., and those disputed by....us.... and those for which a judgment or decree has been rendered against.....us.....together with the names of the claimants, the general nature of the claim, its amount, and the time of the rendition of the judgment; it also contains a statement of all moneys paid by...us.....to the creditors of the deceased, and their names and the time of such payment.

Schedule E, hereunto annexed, contains a statement of all moneys paid to the legatees, widow or next of kin of the deceased.

Schedule F, hereunto annexed, contains the names of all persons entitled as widow, legatee or next of kin of the deceased, to a share of his estate with their places of residence, degree of relationship, and a statement of which of them are minors, and whether they have any general guardian, and if so, their names and places of residence, to the best of....our.....knowledge, information and belief.

Schedule G, hereunto annexed, contains a statement of all other facts affecting the administration of said estate....our.....rights, and those of others interested therein.

Elizabeth S. Warner
R. D. Mook

.....We.....charge.....ourselves.....as follows:

With amount of inventory		7771	45	
" Increase as shown by Schedule A		302	98	8074 43
.....We.....credit..ourselves as follows:				
With amount of loss on sales, as per Schedule B		759	00	
" Debts not collected as per do				
" Schedule C,		344	76	
" Schedule D,		919	70	
" Schedule E,		367	40	
Schedule G. (sub.7)		4616	45	7007 31
Leaving a balance of			$	1067 12

to be distributed to those entitled thereto, subject to the deductions of the amounts of..our..... .....commissions, and expenses of this accounting. The said Schedules, which are severally signed by.....us.....are part of this account.

[Here attach Schedules referred to above.]

[Here attach Schedules referred to above.]

SCHEDULE " A. "

The following property has come into the hands of the executors in addition to the property mentioned in the inventory:

Jany. 2,1916.	National Bank of Westfield, interest		$ 50.00
Oct. 25, "	" " "	Balance in bank	3.48
Dec. 2, "	" " "	Interest	50.00
	Rent of Brooks Let to Mch 1,1917		175.00
			$ 278.48

The following articles of personal property were overlooked at the time of making the inventory; andthe executors now include such property in this their account, at what they consider a fair reasonable value, as follows:

1 small center table		$ 5.00	
1 small table(shaky)		3.00	
3 cloth screen panels	@$1.00	3.00	
2 table spreads	@ $2.00	4.00	
1 silver plate	Plated on copper	6.00	
1 " "	" "	3.50	24.50
Increase in estate			$ 302.98

J. Lightbody S. Ware

R. D. Mack

Executors.

SCHEDULE "B."

At the time of the testator's decease, her niece Grace D.Hall had many articles of furniture and other personal property in the "Therheim", the residence of deceased, which had been there for many years and are still in the house.

The following articles of furniture were appraised and included in the Inventory, which articles are claimed by Miss Hall to be her property; and the executors are satisfied that such articles did not belong to the testator's estate but that they belong to the said Grace D.Hall as claimed by her. Said articles so included in the inventory were appraised as follows:

1 lounge, spread and pillow	$ 6.00
1 parlor upholstered Chair	3.00
	$ 9.00

The executors therefore ask that their account be credited therewith.

There appears in the inventory 50 shares of stock of the Ontario Apartment House Co. of Washington, D.C. of the par value of $100 per share. As said stock was not listed on any stock exchange, the appraisers were unable to ascertain its value and appraised it at par, to wit, the sum of $5000. The executors have recently been advised by the Secretary of said company that the last sale of such stock was at 85%; and the executors ask that their account be credited with the difference between the appraised value and the present value of such stock, to wit the sum of 750.00

$ 759.00

Elizabeth R. Hall

R. D. Hall

Executors.

SCHEDULE " C. "

The followong sums have been paid out by the executers for funeral expenses of the deceased and expenses of administration, with the dates, names nature and amounts of such payments:

Dec.	26, 1915.	1	Western Union Telegraph Co.	$ 1.27
Jan.	8, 1916.	2	Mrs. Dudley, cleaning house	2.50
Feb.	4, "	3	Rev. G.W.S.Ayers, funeral services	10.00
"	4, "	4	Rev. Abbett, " "	10.00
"	4, "	5	George Sommers, janiter	1.00
"	25, "	6	Belle Smith, organist	6.00
"	29, "	7	M.A.Porter, undertaker	251.79
Apl.	5, "	8	F.H.Weed, cemetery	5.00
"	20, "	9	Mayville Printing Co. Citation	5.50
"	20, "	10	Chautauqua News, "	5.25
May	1, "	11	Arthur Sixbey, appraiser's fees	15.40
"	1, "	12	Jay Thompson, " "	17.80
Nov.	18, "	13	MayvillePrinting Co. Notice to Creditors	2.32
				13.25
				$ 344.76

Eliz. Hill Ames
R. L. Mott
Executers.

SCHEDULE " D. "

The executors have paid the creditors of the deceased as follows:

Jan.	1,1916.	1	State,County & Town Tax	$ 51.10
"	"	2	Burt Truner,putting up doors	.75
"	"	3	Wilson,electric lights	.85
"	3,	4	Mrs. Frankuch,Laundry bill	7.61
"	6,	5	T.D.Edwards,for boiler & heater	32.85
"	8,	6	Mayville Telephone Co. rental	3.80
"	8,	7	Rose E.Smith,maid's wages	8.00
"	8,	8	S.S.N.G. & F. Co.,December gas	.70
"	8,	9	Village of Mayville,electric light	3.80
"	12,	10	L.M.Smith,labor & milk bill	13.00
"	12,	11	George Jones, butter acct.	1.83
"	16,	12	Miss Tew, nurse,	40.00
"	18,	13	Mayville Telephone Co. old acct.	5.02
"	"	14	Dunkirk Laundry Co. old acct.	1.36
Feb.	29,	15	Village of Mayville, water	14.32
"	"	16	J.L.Sylvester, store acct.	5.00
"	"	17	Village of Mayville,old wate bill	16.68
Mch.	1,	18	Burtt Turner, Labor & materials	24.65
"	"	19	Mayville Drug Co. Store acct.	2.55
"	2,	20	Chas.O.Johnson,bal.clothing acct.	10.00
"	8,	21	Dr.Reynolds, medical services	20.00
"	"	22	Dr. Randall, " "	4.50
"	"	23	Dr. Rice " "	10.00
"	16,	24	Mrs. Mabel Sixbey, milk acct.	2.92
"	25,	25	G.C.Gleason, labor	35.00
Apl.	4,	26	Chautauqua Lake Mills, bal.coal bill	56.00
"	5,	27	Peterson Wine House acct.	2.75
"	5,	28	L.H.Elliott, store acct.	5.50
"	15,	29	Gregory & Gregory, paper & paint	37.19
			E.A.Sperry, Executor.	
			Forward	$ 445.95

SCHEDULE "D"

			Forward	$ 448.03
May	4,1916.	30	State Bank of Mayville, note & interest	153.75
June	19, "	31	Village Tax	72.72
July	15, "	32	Overton & Hall, store acct.	12.75
"	22, "	33	J.H.Dunn, Cemetery work	4.50
"	27, "	34	Madigan Lumber Co. Lumber	35.37
Aug.	23, "	35	W.F.Fischer, acct.	5.80
"	26, "	36	Mayville Bank, interest on note	30.20
Dec.	14, "	37	W.G.Martin, Account	143.00
				$ 806.12

Elizabeth S. Turner

R. D. Mart

Executors.

The executors have laid out and expended on the property known as the Brooks Lot, the following sums for taxes, insurance and repairs:

Mch.	30,1916.	1	R.Turner, labor	$ 1.00
July	8, "	2	Village Tax	10.10
"	20, "	3	George Semmers, grading and seeding lot	13.30
Aug.	20, "	4	Semmers & Davis, closing sewer	5.30
Sept.	12, "	5	Alfred Perkins, labor	4.00
"	" "	6	School Tax	10.10
Oct.	16, "	7	T.D.Edwards, plumbing,	8.50
Nov.	4, "	8	B.Turner, storm house & labor	29.21
"	14, "	9	Mr.Clute, labor	2.90
"	17, "	10	E.A.Sperry, plastering,	1.00
			Forward	$ 85.41

		Forward	$ 85.41
Dec. 5,1916.	11	Davis & Semmers,work on roof	4.30
" 5, "	12	Alfred Perkins, labor	1.00
" 26, "	13	Semmers & Davis, Sewer	2.90
" 28, "	14	G.C.Gleason, papering	8.03
Jany. 6,1917.	15	State,County & Town Tax	7.09
Feby.4, "	16	M.J.Howard,work on floor	1.85
" 12, "	17	E.D.Reagan,insurance	3.60
			$ 113.58

Amount paid Creditors $ 806.12

Amount paid on Brooks Lot 113.58

Total of Schedule "B." $ 919.70

Elizabeth B. Mann

R. L. Mann

Executors.

SCHEDULE " E."

Amount paid on Legacy, and property delivered and ready to be delivered by the executors to the Legatees named in the will of the testator:

Paid Rena E.Smith, interest on legacy $ 50.00

Certain specific property was bequethed by said will to Richmond Meet. The said property has been delivered to said legatee. Said property was appraised and inventoried at the sum of 145.00

Certain specific property was bequeathed by said will to Adelle P.Dibble. In the month of August last, the executors offered to deliver said personal property to said legatee, upon her executing and delivering to the executors a proper voucher therefor; but said legatee declined to accept the property and execute the said voucher. Said property is still in the hands of the executors, and they ask that they be relived of the care of said property, and further ask that said property be stored with some proper person, to be delivered to said legatee, upon the execution and delivery by her of a proper voucher therefor.

Said property was appraised and inventoried at the sum of 172.40

and the executors ask credit therefor on this accounting.

$ 367.40

Elizabeth S. Nasmus

R. L. Mast

Executors.

SCHEDULE " F. "

The following are the names and places of residence of all the devisees and legatees named in the will of the said testator:

Mrs. Adelle P.Dibble,	Westfield, N.Y.
Rose E.Smith,	Mayville,N.Y.
Tuesday Club Library,	Mayville,N.Y.
Richmond Moot,	Schenectady, N. Y.
Hugh Aimee Knight,	Wingfiled,Banstead,Surrey,England.
Mrs. Elizabeth S.Warner,	Mayville, N.Y.
Miss Grace D.Hall,	3521 Dickason Ave. Dallas,Texas.
Mrs. Celia Pettit Kernam,	Grimsby,Lincoln County,Ontario.

All of theforegoing are of full age,except thelegatee Hugh Aimee Knight,who is an infant of about the ageof seven years and resides with his father Charles Stafford Knight at Wingfield,Banstead, Surrey, England,and the executors have no knowledge as to whether or not the said infant has a General Guardian.

Elizabeth S. Warner

R. L. Moot

Executors.

SCHEDULE " G. "

1. The following claims against the estate for expenses of administration remain unpaid:

Richmond Moot, for expenses as executor, railroad fares, telegrams and telephones,	$ 52.85
William G. Martin, legal services and expenses in administration of the estate,	231.45
	$ 284.30

2. Proceedings were commenced last April by the executors to ascertain the amount of the Transfer Tax, if any, due from said estate, and depositions in relation to the property and estate were filed last August; but the referee has not yet filed his report.

3. There are some books of the late Judge Tourgee which were not included in the inventory. It is not a complete set of his works and among them are some duplicates. It is not an autograph set, although some of the books have Judge Tourgee's autograph. There are 20 volumes, they have been in use many years, are different editions, different sizes and different bindings; and the executors consider the fair value of the same not to exced $5.00. These books are claimed by Mr. Moot, under the sixth paragraph of the will, and they should be added to paragraph 2 of inventory

4. There are some pieces of lace which were used for some years as samples and exhibites by Miss Tourgee in lectures on laces; and the executors are unable to fix or ascertain the value thereof, or that they have any market value.

5. At the time of the testator's decease, she had no ready money on hand, with the exception of $103.10 in the State Bank of Mayville. The rest of her personal property, with the exception of the contents of the "Therheim" consisted of $7000. which was invested, $2000. on bond and mortgage and $5000. in stock of the ontario Apartment House Co. of Washington, as aforesaid. There being insufficient ready money on hand to pay the funeral expenses and debts of the deceased, it became

necessary for the executors to dispose of a bond of $1000 to raise money for that purpose. The testator bequeathed to different legatees the entire amount of her invested funds, amounting to $7000.00, apparently without taking into consideration the amount she owed to crediters, funeral expenses, expenses of administration or a possible Transfer Tax.

There is $1000. invested and paying interest, which will take care of the bequest mentioned in paragraph third of thewill; but there is no provision for the payment of the legacy of $500 and the interest thereon, mentioned in paragraph fourth, or for thepayment of the legacy of $500 left in trust for cemetery purposes, mentioned in paragraph fifth of the will; and some provision should bemade to take care of these legacies and the interest thereon.

6. By the ninth paragraph of said will, the executors were directed to rent the Brooks property during the continuance of the life estates mentioned in said will, and after deducting from the rents, the taxes, insurance and necessary repairs on theproperty, to pay annually the net proceed of such rents to the Tuesday Club Library.

The executors have received rents, Schedule "A."	$ 175.00
They have paid for taxes, insurance and repairs, Schedule "D."	113.58
leaving a balance on hand of	$ 61.42

The property consists of a house and lot on the corner of Erie and Evans streets in Mayville. The house is badly in need of repair, and reqires new sills and floors and painting. The testater intended to have these repairs made on the property, and unless they are made soon, they tenants will not remain; and it is the intention of theexecutors to make such repairs the coming spring and summer. The executors have consulted carpenters and painters as to theprobably cost of such repairs and they are advised that it will cost not less than $100 to put new sills under the house and that the painting of thehouse will cost not less than $50.; so that, if such repairs be made, it will require the entire income from the property to meet the same, for some time to come.

7. Elizabeth S.Warner has taken possession of the real property mentioned in the paragraph seventh of said will, and the executors have delivered to her the contents of the "Thorheim", and the stock of the Ontario Apartment House Co.

The value of the contents of the "Thorheim", after the corrections made in Schedules A. and B. is $ 366.45

The value of the stock, as corrected in Schedule B is 4250.00

$ 4616.45

And the executors ask credit therefor in this their account.

8. The summary statement of this account shows that there is personal property of the estate remaining in the hands of the executors to the amount of $1067.12

which consists of

One bond and mortgage, 5% interest,	$ 1000.00	
cash in Bank	67.12	1067.12

It will be necessary that some provision be made for the payment of the claims against the estate, set forth in subdivision 1. of this Schedule, and the costs and expenses of this accounting.

Elizabeth S. Warner.

R. S. Mack

Executors.

Surrogate's Court, Chautauqua County

IN THE MATTER OF THE ESTATE OF

.....Emma..K....Tourgee,.....
Deceased.

State of New York, } ss:
County of Chautauqua

.....Elizabeth S. Warner and R. D. Mook.....

.....

being duly sworn, says that the charges made in the foregoing accounts of proceedings, and schedules annexed, for moneys paid by...them.....to creditors, legatees and next of kin, and for necessary expenses, are correct; that..they.....have been charged therein all the interests for moneys received by...them.....and embraced in said account, for which..they..are..legally accountable; that the moneys stated in said account as collected, were all that were collectable, according to the best of ...their...knowledge, information and belief, on the debts stated in such account at the time of the settlement thereof; that the allowance in said account, for the decrease in the value of any assets, and the charges therein, for the increase in such value, are correctly made; and that...they....do not know of any error in said account, or anything omitted therefrom, which may in any wise prejudice the rights of any party interested in said estate. And deponent further says that the sums under twenty dollars, charged in the said account, for which no vouchers or other evidences of payment are produced, or for which...they...may not be able to produce vouchers, or other evidences of payment have actually been paid and disbursed by..them...as charged.

Sworn to before me, this..17...th....day of....February,.....1917... } Elizabeth S. Warner
R. D. Mook

W. J. Martin

.....Notary Public.....

Chautauqua Surrogate's Court

IN THE MATTER OF THE ESTATE

OF

Anna K. Tourgee
Deceased.

ACCOUNT

Filed,
FEB 19 1917