

A.W.T. PAPERS 1918

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

At a SURROGATE'S COURT, held in and for the County of Chautauqua, State of New York, at the Court House in the village of Mayville in said county, on the 15th. day of April, 1918.

Present HON. HARLEY N. CROSBY, SURROGATE.

SURROGATE'S COURT. CHAUTAUQUA COUNTY.

In the matter of the Judicial Settlement
of the Account of Elizabeth S. Warner and
Richmond D. Meest as Executors of the Will of
EMMA K. TOURGEE, deceased.

Elizabeth S. Warner and Richmond D. Meest the Executors of the will of Emma K. Tourgee, late of the village of Mayville, in said county, deceased, having heretofore presented to this Court an account of their proceedings as such Executors, accompanied by their petition duly verified, praying for a judicial settlement thereof; and the Surrogate having thereupon issued a citation directed to the persons named therein, they being the persons required by law to be cited in such proceedings, requiring them to appear before the Surrogate at the Court House in the village of Mayville in said county, on the 26th. day of February, 1917, at ten o'clock in the forenoon of that day, and show cause why the account of the said Executors should not be judicially settled; and the said citation having been returned with due proof of the service thereof, in the manner and within the time prescribed by law, upon Grace D. Hall, Hugh Aimee Knight, Calia Pettit Kernan, Rose E. Smith, the Tuesday Club Library and Adelle P. Dibble, they being all the persons to whom the said citation was directed; and the said executors having appeared in person and by William G. Martin their attorney, and the Tuesday Club Library having appeared by Eleanor Green Esq. its attorney; and it appeared that Hugh Aimee Knight was a minor under the age of twenty-one years and

William Russell Esq. of Westfield, N.Y. having been duly appointed Special Guardian to appear for and in behalf of said minor for the purpose of protecting the rights of said minor in such proceeding, and the said Special Guardian having appeared for said minor and having filed his consent to act as such Special Guardian, whereupon the matter was adjourned to the 26th. day of March, 1917, prior to which date, the Tuesday Club Library had filed objections to the account of the Executors, and had also made an application to this Court for an order requiring the executors to make a new appraisal and inventory of the personal property, upon which application a citation had been issued and served upon the executors, requiring them to appear and show cause why they should not make and file such new inventory; and on the said last named day, the executors having appeared in person and by their attorney, the said Tuesday Club Library having appeared by Eleanor Green Esq. its attorney and William Russell Esq. having appeared as Special Guardian aforesaid, and the proceedings were thereupon adjourned to the 9th. day of April, 1917, at ten o'clock in the forenoon of that day, at which time the executors again appeared in person and by their attorney, the Tuesday Club Library appeared by its trustees in person and by Eleanor Green Esq. its attorney and William Russell Esq. appeared as Special Guardian aforesaid.

And upon said last named day, it was stipulated by and between the executors and their attorney on the one part, and the said Tuesday Club Library and its attorney on the other part, that the final account of the executors be amended by increasing the value of certain articles of personal property by the sum of \$45.00, whereupon it was stipulated in open court, by the said Tuesday Club Library and its attorney, that all the objections of the said Library be withdrawn and that the account be judicially settled by the Surrogate as filed, which stipulation appears in the minutes of the Court of that day; whereupon the accounting was adjourned until the 4th. day of June, 1917, to await the report of the Transfer Tax Appraiser; and the accounting was further adjourned, for the same reason,

from time to time, until the 4th day of February, 1918; and the order of this court having been entered on the 24th day of January, 1918, fixing the amount of the Transfer Tax due from said estate; and the accounting having been adjourned from time to time until this day, for the purpose of enabling the executors to dispose of certain personal property to raise sufficient funds for the payment of the said transfer tax and the expenses of administration; and the executors having appeared by William G. Martin their attorney and having filed a supplemental account of their proceedings since the filing of the former account, from which it appears that said executors have added to said account the sum of \$45.00, as provided by the stipulation entered herein on the 9th day of April, 1917; and William Russell Esq. having appeared as Special Guardian for the said Hugh Aimee Knight a minor and having filed his report herein, whereby he finds that said account should be judicially settled as filed; and the Surrogate having taken the said account and heard the proofs and allegations of the parties respecting the same; the said Executors having produced and filed vouchers in support of their account for all payments made by them for which a voucher was required; and it appearing that there is no tax due, in settlement of the estate of said deceased, under the provisions of "An Act in Relation to Taxable Transfers of Property," for which a receipt, properly sealed and countersigned, has not been produced in this proceeding;

Now on motion of William G. Martin the attorney for said Executors after due examination of said account, and deliberation thereon and upon the proofs and allegations offered with respect thereto:

It is ORDERED, ADJUDGED and DECREED, that the account of the said Executors as such, be, and the same hereby is, finally and judicially settled and allowed as filed and adjusted.

And the Surrogate makes and records the following summary of the said account as judicially settled and allowed:

1. That said executors pay to the Tuesday Club Library the sum of \$45.00, the amount of the tax proceeds of the estate of the deceased as set forth in Schedule F of the will of the deceased.

for the purpose of carrying the Executors to balance of certain accounts the same from which they are to pay the said debts and the amount of the balance of the account and the same both appearing and as they shall appear upon review of the books of account and also as to the amount of the balance of the account and the same.

The said Executors are debited and credited as follows:

DEBIT.

With amount of Inventory	\$ 7771.45	
" Increase as shown by Schedule A.	302.98	
" Increase as shown by Schedule A of the supplemental account	266.66	8341.09

CREDIT.

With Schedule B of Account	\$ 9.00	
" " B of supplemental account	500.00	
" " C of account	344.76	
" " C of supplemental account	1216.44	
" " D of account	919.70	XXXXXX
" " E of account	367.40	
" " E of supplemental account	50.00	
" Bond & Mortgage, for Smith Legacy	1000.00	
" 30 shares of stock, par value \$100	3000.00	
" Inventory value of contents of "Therheim", as corrected herein	411.45	7818.75

leaving in the hands of the executors a cash balance of \$ 522.34

And it is further ORDERED, ADJUDGED and DECREED, that out of the said balance the said executors retain the sum of \$235.53 hereby allowed them in full for their services and commissions herein, that they pay to William C. Martin the sum of \$122.12 hereby allowed in full of costs, additional allowance and expenses in this proceeding, and that they pay to William Russell Esq. the sum of \$25.00 hereby allowed to him for costs as Special Guardian herein, leaving in the hands of said executors a cash balance of \$141.69.

And it is further ORDERED, ADJUDGED and DECREED,

1. That said executors pay to the Tuesday Club Library the sum of \$58.24, the same being the net proceeds of the Brooks Property, as set forth in Schedule F of the account, on the first day of January,

1918, such payment to be made upon the execution and delivery by the said Tuesday Club Library of a proper voucher therefor, to be filed in this office. That the said executors shall hereafter file in this office a statement of sums received and paid out by them on account of the said Bracke property for each current year.

2. That the application to this Court made heretofore by the said Tuesday Club Library for a new appraisal and inventory of the personal property of said estate, be and the same is hereby denied; and all proceedings had thereupon are hereby dismissed, without costs as against the said Library.

3. The setting aside by the executors of \$500 of the stock of the Ontario Apartment House Company, to provide for the payment of the legacy bequeath in paragraph fourth of the will, the setting aside of \$500 of said stock to provide for the trust fund bequeathed by paragraph fifth of said will, and the investment of \$1000 in bond and mortgage, to provide for the payment of the legacy bequeathed in paragraph third of said will, are hereby approved by the Court.

4. That after the payments aforesaid, there remains in the hands of the executors as follows:

30 shares of Ontario Apartment House Co. stock, par value	\$3000.00
One bond and mortgage, for Smith Legacy	1000.00
Cash on hand	53.45

	\$ 4053.45
Contents of "Thorhelm" as corrected herein	411.45
to be hereafter accounted for by said executors.	-----
	\$ 4464.90

IN TESTIMONY WHEREOF, the Surrogate has hereunto set his hand and seal of office the day and year first aforesaid.

HARLEY N. CROSBY

L. S.

SURROGATE.