c/c L. E. Salmon atty Page 70

EXAMINED AND CHECKED

SALOON LIQUOR LICENSE

CLASS 2.

This License expires Aug 31 1896

The Board of Excise,

OF THE CITY OF NEW YORK,

HEREBY CERTIFIES, that No 2442

Philip Smith

is licensed as SALOON KEEPER to sell STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, in quantities less than five gallons at a time, to be drunk on or off the licensed premises at

No 1495 1st Ave 1st floor

Issued the 30th day of Aug 1895

D B Ratchford
Cashier

William H Coyle
Clerk

Chas H. Woodman
Wm Ladowza
Commissioners of Excise

1895-96

THIS LICENSE MUST BE KEPT IN A CONSPICUOUS POSITION, AS REQUIRED BY THE EXCISE LAW.

Philip J. Smith

by James McClennan
administrators of the
estates Philip J. Smith

WHEREAS, I James Mc Cleenan administrator of the estate of Philip J Smith to said Philip J Smith & as Philip Smith am the holder and owner of a certain liquor license granted by the Board of Excise of the City of New York and issued on the 30th day of August 1895, No. 2442, upon premises No. 1495 Third Ave in the City of New York, which said license was granted under and by virtue of Chapter 401 of the Laws of 1892, known as the Excise Law, and the Acts amendatory thereof,

NOW, THEREFORE, in consideration of one dollar and other good and valuable considerations to me paid, the receipt whereof is hereby acknowledged, I do hereby sell, assign, transfer, and set over unto Albert E. Miller of New York City his executors, administrators, or assigns, said license, together with all rebates to which I am entitled thereon and all rights of action thereunder, pursuant to the provisions of Chapter 112 of the Laws of 1896, known as the "Liquor Tax Law."

TO HAVE AND TO HOLD, with all benefits, profits, and advantages thereof, unto the said Albert E. Miller and as administrator of the estate of said licensee his executors, administrators, and assigns, in as full and beneficial manner as I, by virtue of the said license, may or might have if this assignment had not been made; and I hereby make, constitute, and appoint the above-named assignee my true and lawful attorney irrevocably, to demand, sue for, collect, and receive in my name or otherwise, but at the said assignee's own proper cost and expense, any and all moneys which are due or shall hereafter become due from the Mayor, Aldermen, and Commonalty of the City of New York upon the said license, or by reason of the termination or surrender thereof, and to execute and deliver any quittance, receipt, satisfaction of judgment, or other document which may be good and sufficient or requisite or proper for that purpose.

And I do hereby represent and warrant that I am the sole and exclusive owner of the said license and all rights and claims accruing thereunder, and that neither the said license nor the claim hereby assigned has been previously assigned, hypothecated, or in any wise encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this Fourth day of February 1897.

WITNESS,

E. W. Turner

James Mc Cleenan as administrator of the estate of Philip J Smith

CITY AND COUNTY OF NEW YORK, ss:

James McCleenan being duly sworn, says, I have heard read the foregoing instrument, and that all and singular the warranties and representations therein made by me are true to my own knowledge.

Sworn to before me this 4th day of February 1897.

C. W. Bruinsk

James Mc Cleenan administrator of the estate of Philip J Smith

NOTARY PUBLIC, NEW YORK COUNTY.

CITY AND COUNTY OF NEW YORK, ss:

On the day of 189 , before me personally came to me known to be the individual described in and who executed the foregoing instrument, and duly acknowledged that he executed the same.

CITY AND COUNTY OF NEW YORK, ss:

On this 4th day of February 1897, before me personally came E. W. Turner the subscribing witness to the foregoing instrument, who, being by me duly sworn, said that he resided in the city of N. Y., that he was acquainted with James McCleenan and knew him to be the person described in the foregoing instrument and the same person who is therein described as the administrator of said licensee, and the same person who executed the said instrument; that he saw him execute and deliver the same, and that the said James McCleenan acknowledged to him, the said E. W. Turner that he executed and delivered the same, and that he, the said E. W. Turner thereupon subscribed his name as a witness thereto.

C. W. Bruinsk

NOTARY PUBLIC, NEW YORK COUNTY.

James McClennan
Administrator
of
Philip J. Smith
deceased

—to—

Albert E. Miller

Assignment

Form 61.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

I, J. FAIRFAX MCLAUGHLIN, Clerk of the Surrogates' Court of said City and County, do hereby certify that I have compared the foregoing copy of ~~the instrument propounded as the last Will and Testament~~ Letters of Administration granted to James McCleneghan upon the estate of Philip J. Smith deceased,

with the original record thereof now remaining in this office, and have found the same to be a correct transcript therefrom and of the whole of such original record.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the Surrogates' Court of the City and County of New York this 8th day of Feb. in the year of our Lord one thousand eight hundred and ninety-seven.

J. Fairfax McLaughlin
Clerk of the Surrogates' Court.

Form 2.

2572

The People of the State of New York,

To James McClennan of the city of New York, uncle of Philip J. Smith, deceased.

SEND GREETING:

Whereas, said Philip J. Smith departed this life intestate on the 12th day of Nov. 1896 being at or immediately previous to his death an inhabitant of the County of New York, by means whereof the ordering and granting administration of all and singular the goods, chattels and credits whereof the said intestate died possessed, in the State of New York, and also the auditing, allowing and final discharging the account thereof, doth appertain unto us, and we, being desirous that the Goods, Chattels and the Credits of the said intestate may be well and faithfully administered, applied, and disposed of, do grant unto you, the said

James McClennan

full power by these presents to administer and faithfully dispose of all and singular the said Goods, Chattels and the Credits, ask, demand, recover, and receive the debts which unto the said intestate, whilst living and at the time of his death did belong, and to pay the debts which the said testator did owe, as far as such goods, chattels and credits will thereunto extend and the law require, hereby requiring you to make, or cause to be made, a true and perfect Inventory of all and singular the goods, chattels and credits of the said intestate, within a reasonable time, and return a duplicate thereof to our Surrogate of the City and County of New York, within three months from the date of these presents, and if further personal property, or assets of any kind, not mentioned in any Inventory that shall have been so made, shall come to your possession or knowledge, to make or cause to be made in like manner, a true and perfect Inventory thereof, and return the same within two months after the discovery thereof, and also to render a just and true account of administration, when thereunto required; and we do, by these presents, depute, constitute and appoint you the said

James McClennan

administrat or of all and singular the goods, chattels and credits of the said

Philip J. Smith deceased.

In Testimony Whereof, We have caused the seal of Office of the Surrogate's Court of the City and County of New York to be hereunto affixed.

Witness, Hon. Frank T. Fitzgerald a Surrogate of said City and County at the City of New York, the 27th day of November in the year of our Lord one thousand eight hundred and ninety-six.

(L. S.)

J. Fairfax McLaughlin

Clerk of the Surrogate's Court.

The Attention of Executors and Administrators is directed to the Following Provisions of the Statutes:

REVISED STATUTES, PART 2, CHAP. 6, TITLE 3, ART. 1, 3 R. S. (7th Ed.), p. 2294.

§ 2. The executors and administrators of any testator or intestate, within a reasonable time after qualifying, and after giving the notice in the next section required, with the aid of appraisers so appointed by the Surrogate, shall make a true and perfect inventory of all the goods, chattels and credits of such testator or intestate, and where the same shall be in different and distant places, two or more such inventories, as may be necessary.

§ 3. A notice of such appraisement shall be served, five days previous thereto, on the legatees and next of kin, residing in the county where such property shall be; and it shall also be posted in three of the most public places of the town. In every such notice, the time and place at which such appraisement will be made shall be specified.

§ 4. Before proceeding to the execution of their duty, the appraisers shall take and subscribe an oath, to be inserted in the inventory made by them, before any officer authorized to administer oaths, that they will truly, honestly and impartially appraise the personal property, which shall be exhibited to them, according to the best of their knowledge and ability.

§ 5. The appraisers shall, in the presence of such of the next of kin, legatees, or creditors of the testator or intestate as shall attend, proceed to estimate and appraise the property which shall be exhibited to them; and shall set down each article separately, with the value thereof in dollars and cents, distinctly in figures, opposite to the articles respectively.

§ 6. The following property shall be deemed assets, and shall go to the executors or administrators, to be applied and distributed as part of the personal estate of their testator or intestate, and shall be included in the inventory thereof:

1. Leases for years; lands held by the deceased from year to year; and estates held by him for the life of another person.

2. The interest which may remain in the deceased at the time of his death in a term for years, after the expiration of any estate for years therein, granted by him or any other person.

3. The interest in lands devised to an executor for a term of years, for the payment of debts.

4. Things annexed to the freehold, or to any building, for the purpose of trade or manufacture, and not fixed to the wall of a house, so as to be essential to its support.

5. The crops growing on the land of the deceased, at the time of his death.

6. Every kind of produce raised annually by labor and cultivation, except grass growing and fruit not gathered.

7. Rent reserved to the deceased which had accrued at the time of his death.

8. Debts secured by mortgages, bonds, notes or bills; accounts, money and bank bills, or other circulating medium, things in action, and stock in any company, whether incorporated or not.

9. Goods, wares, merchandise, utensils, furniture, cattle, provisions, and every other species of personal property and effects, not hereinafter excepted.

§ 7. Things annexed to the freehold, or to any building, shall not go to the executor, but shall descend with the freehold to the heirs or devisees, except such fixtures as are mentioned in the fourth sub-division of the last section.

§ 8. The right of an heir to any property not enumerated in the preceding sixth section, which by the common law would descend to him, shall not be impaired by the general terms of that section.

§ 9. Where a man having a family shall die, leaving a widow or a minor child or children, the following articles shall not be deemed assets, but shall be included and stated in the inventory of the estate, without being appraised:

1. All spinning-wheels, weaving-looms, one knitting-machine, one sewing-machine, and stoves put up or kept for use by his family.

2. The family Bible, family pictures, and school-books used by or in the family of such deceased person, and books not exceeding in value fifty dollars, which were kept and used as part of the family library before the decease of such person.

3. All sheep to the number of ten, with their fleeces and the yarn and cloth manufactured from the same, one cow, two swine and the pork of such swine, and necessary food for such swine, sheep or cow for sixty days, and all necessary provisions and fuel for such widow or child or children for sixty days after the death of such deceased person.

4. All necessary wearing apparel, beds, bedsteads and bedding, necessary cooking utensils, the clothing of the family, the clothes of the widow and her ornaments proper for her station; one table, six chairs, twelve knives and forks, twelve plates, twelve tea-cups and saucers, one sugar dish, one milk pot, one tea pot and twelve spoons, and also other household furniture which shall not exceed one hundred and fifty dollars in value.

§ 10. The said articles shall remain in the possession of the widow, if there be one, during the time she shall live with, and provide for, such minor child or children. When she shall cease so to do, she shall be allowed to retain as her own, her wearing apparel, her ornaments and one bed, bedstead and the bedding for the same; and the other articles so exempted shall then belong to such minor child or children. If there be a widow, and no such minor child, then the said articles shall belong to such widow.

§ 11. The inventory shall contain a particular statement of all bonds, mortgages, notes and other securities for the payment of money, belonging to the deceased, which are known to such executor or administrator; specifying the name of the debtor in each security; the date; the sum originally payable; the indorsements thereon, if any, with their dates, and the sum which, in the judgment of the appraisers, may be collectible on each security.

§ 12. The inventory shall also contain an account of all moneys, whether in specie or bank bills, or other circulating medium, belonging to the deceased, which shall have come to the hands of the executor or administrator; and if none shall come to his hands, the fact shall be so stated in such inventory.

§ 13. The naming of any person executor in a will, shall not operate as a discharge, or bequest, of any just claim, which the testator had against such executor, but such claim shall be included among the credits and effects of the deceased in the inventory, and such executor shall be liable for the same, as for so much money in his hands, at the time such debt or demand becomes due; and he shall apply and distribute the same in the payment of debts and legacies, and among the next of kin, as part of the personal estate of the deceased.

§ 14. The discharge or bequest in a will of any debt or demand of the testator, against any executor named in his will, or against any other person, shall not be valid as against the creditors of the deceased; but shall be construed only as a specific bequest of such debt or demand; and the amount thereof shall be included in the inventory of the credits and effects of the deceased, and shall, if necessary, be applied in the payment of his debts; and, if not necessary for that purpose, shall be paid in the same manner and proportion as other specific legacies.

§ 15. Upon the completion of the inventory, duplicates thereof shall be made and signed by the appraisers; one of which shall be retained by the executor or administrator, and the other shall be returned to the surrogate within three months from the date of such letters.

§ 16. Upon returning such inventory, the executor or administrator shall take and subscribe an oath before the surrogate; or if such surrogate be absent from the county, or incapable, from sickness or otherwise, of transacting business, or his office be vacant, then before a judge of the county courts of such county, stating that such inventory is in all respects just and true; that it contains a true statement of all the personal property of the deceased, which has come to the knowledge of such executor or administrator, and particularly of all money, bank bills, and other circulating medium, belonging to the deceased, and of all just claims of the deceased against such executor or administrator, according to the best of his knowledge. Such oaths shall be endorsed upon, or annexed to the inventory.

§ 23. Any one or more of the executors or administrators named in any letters, on the neglect of the others, may return an inventory; and those so neglecting shall not thereafter interfere with the administration, or have any power over the personal estate of the deceased; but the executor or administrator so returning an inventory shall have the whole administration until the delinquent return and verify an inventory, agreeable to the provisions of this article.

§ 24. Whenever personal property, or assets of any kind, not mentioned in any inventory that shall have been made, shall come to the possession or knowledge of an executor or administrator, he shall cause the same to be appraised in manner aforesaid, and an inventory thereof to be returned, within two months after the discovery thereof; and the making of such inventory and return may be enforced in the same manner as in the case of the first inventory.

LAWS OF 1842, CHAP. 157, § 2 (3 R. S., 7TH ED.), p. 2297.

Exemption for a Widow and Minor Children, $150.—§ 2. When a man having a family shall die, leaving a widow or minor child or children, there shall be inventoried by the appraisers, and set apart for the use of such widow, or for the use of such widow and child or children, or for the use of such child or children, in the manner now prescribed by the ninth section of title third, chapter sixth of part second of the Revised Statutes, necessary household furniture, provisions or other personal property, in the discretion of said appraisers, to the value of not exceeding one hundred and fifty dollars, in addition to the articles of personal property now exempt from appraisal by said section.

LAWS OF 1867, CHAP. 782 (3 R. S., 7TH ED.), p. 2297.

Children of Deceased Widow.—§ 13. When a widow shall die, leaving her surviving a minor child or children, the same articles and personal property shall be set apart by the appraisers for the benefit of such minor or minors, as is now provided by law in the case of a man dying and leaving a widow or minor children; and all articles and property set apart, in accordance with law, for the benefit of a widow and a minor or minors, shall be and remain the sole personal property of such widow after such minor or minors shall have arrived at age.

CODE OF CIVIL PROCEDURE.

§ 2565. FEES OF APPRAISER.—An appraiser is entitled, in addition to his actual expenses, to a sum to be fixed by the surrogate, not exceeding five dollars for each day actually and necessarily occupied by him in making the appraisal or inventory. The number of days' services and the expenses, if any, must be proved by the affidavit of the appraiser, and the sums payable therefor taxed by the surrogate and paid by the executor or administrator.

LETTERS

OF

ADMINISTRATION

GRANTED TO

Jas. McClennan

Upon the Goods, Chattels and Credits of

Philip J. Smith.

Deceased.