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last will and testament of Bannet Kipler late of Mexico in
said County deceased did heretofore on the twenty second
day of November last present to Charles Hays Esquire Surrogate
of said County his petition setting forth that the said deceased
was at the time of his death seized of certain real estate in this
State, and that the petitioner had made a just and true account
of the personal estate and debts of the said deceased so far
as he had been able to do, and had discovered and had
reason to suspect that the said personal estate was insufficient
to pay the debts of the said deceased, and the said petitioner
filed the said account together with the said petition in the
office of the said Surrogate, and made oath that the same
was just and true to the best of his knowledge and belief so
far as he had been able to discover the same with the use of
what he deemed due diligence for that purpose, and did by
the said petition request aid of the said Surrogate in the
premises - and an order was thereupon made requiring all
persons interested in the estate of the said deceased to appear
before the said Surrogate at his office in Richmond on the
seventeenth day of January then next at or ten o'clock in
the forenoon to show cause if any they had why so much of
said estate of which the said deceased died seized should
not be sold as would be sufficient to pay his debts, and why
power should not be given to the said Executor to sell or
mortgage the same for the purpose of paying the said debts.
And whereas the said order was duly published for four weeks
successively in two of the public newspapers printed in the
said County of Oswego; and no cause or objection being
shown at the time & place specified in the said order or at
any time since why the whole or part of the real estate aforesaid
should not be sold as aforesaid, and whereas upon hearing and
due examination of the proofs and allegations of the said Executor
it is found that the personal estate of the said deceased is
insufficient to pay his debts and that the whole of the personal

estate has been applied towards the payment of the said debts
and the incidental expenses of Administration, and it is further
found that the said deceased died seized of certain real
estate within this State, and that it is requisite to sell part
or all the real estate of the said deceased for the payment of
his debts, and whereas upon examining into the amount
of the debts remaining to be paid under the circumstances
and situation of the premises hereinafter mentioned and
demanded to be sold, it is further found that a sufficient
portion of the same cannot be sold without manifest
prejudice to the heirs of the said deceased, and that
it is necessary to sell the whole of the said premises.

It is therefore ordered, adjudged and decreed, and
the said Surrogate by virtue of the power vested in him
doth order, adjudge and decree that as aforesaid the Executor
aforesaid do sell at public vendue that part of the real estate
of which the said deceased died seized herein after set forth
as the same has been represented and described to the said
Surrogate, conforming in all respects to the requirements of the
act in such case made and provided, to which said real
estate is described as follows to wit: The north end of the
last half of lot number one hundred & seven of the town
with township of Scriba's Patent, being the farm of which the
said deceased was possessed and in which he resided up to
and at the time of his death containing from forty six to fifty
acres of land, in the same more or less. And it is further ordered
that before any deeds or deeds are executed for the premises
or any part thereof the said Executor do make a return of the
proceedings had on this order to the Surrogate of the County
of Oswego, that the further order of the said Surrogate may be made
in the premises. In testimony whereof the said Surrogate hath hereunto set
his hand and affixed his seal of office, done at Richmond in
said County this twenty fifth day of January in the year of our
Lord one thousand eight hundred and twenty six, Charles Hays Surrogate