

Smith or Creditor of John Smith deceased  
to have the real Estate of the said deceased  
Mortgaged leased or sold for the payment of his debts

An Order having here before been

made by the Surrogate of the County of Oswego on the Application of Patrick

Smith of the City of Oswego Ship Carpenter or creditor of John Smith late of  
said City deceased intestate requiring Silas A. Webb & Ann Smith the  
Administrators of all & singular the goods chattels & credits of the said  
intestate to be & appear before the Surrogate of the County of Oswego on  
the 15<sup>th</sup> day of December last past to show cause why they should not be  
required to mortgage lease or sell the real Estate of the said John Smith  
deceased for the payment of his debts & no cause having been shown  
to the contrary: And therefore the said Surrogate having made a  
further Order directing all persons interested in said Estate to appear  
before him & show cause why authority should not be given to the said  
Administrators to mortgage lease or sell so much of the real Estate of  
the said deceased as shall be necessary to pay his debts & recording & filing  
satisfactory proof by affidavit of the due publication of the said Order & of the  
due service thereof on every person in the occupation of the premises of which  
a sale is desired & on the widow & heirs of the said deceased & of the due  
service thereof on the Administrators & the said Administrators not  
having appeared & Robert H. Martin having appeared as Guardian of  
the minor heirs of said John Smith & the said Patrick Smith creditor as  
aforesaid having also appeared & the proper proceedings in due form  
of law having been thereupon had & the Surrogate upon due examination  
being satisfied that the said Administrators have fully complied with

the requisite provisions of the Statute concerning the powers & duties  
of Executors & Administrators with ~~the~~ relation to the sale & disposition  
of the real Estate of Testators or intestates that the debt of the said Patrick  
Smith & other debts presented & proved before the said Surrogate &  
which the said Surrogate has duly adjudged valid & subsisting against  
the Estate of the said deceased & for the purpose of satisfying which  
application for the mortgage lease or sale of the real Estate of the said  
deceased is made are justly due & owing & that they are not secured

raised by Mortgage or lease and advantagefully the Estate of the said deceased  
and the said Administrators having refused to act in the sale of the  
premises or to do any act for the mortgaging leasing or selling of the  
real Estate property of the deceased the said Surrogate doth hereby appoint

Leander Babcock of the City of Oswego a disinterested freeholder to the

said Leander Babcock having executed a Bond to the people of the State  
with sufficient securities approved by the said Surrogate in the penalty &  
with the condition prescribed by the Statute in such case made & provided  
& which said bond is filed with the said Surrogate. It is therefore  
Ordered & the Surrogate enforce said pursuant to the Statutes aforesaid that  
under and in virtue of the said Leander Babcock sell the following described real  
Estate whereof the said intestate died seized in pay such debts aforesaid  
of the said intestate that is to say: All that piece or parcel of land situate  
in the City of Oswego in the first Ward thereof. Beginning at the N. E. corner of  
said Lot No 9 thence N. along the line of said Lot No 9 - 67 ft. thence Southwardly  
on a line parallel with Montcalm St. to Van Buren St. thence Southwardly along  
Van Buren St. to the N. E. corner of said Lot No 9: thence Northwardly along  
the line of Montcalm St. in the place of beginning. excepting & reserving  
described lot owned by Dwight Herrick beginning at the S. E. corner of  
said Lot No 9 at the junction of Montcalm & Van Buren Streets: thence West-  
wardly along Van Buren St. 60 ft: thence N. parallel with Montcalm St. 35 ft: thence  
Eastwardly 60 ft. to Montcalm St. thence Southwardly along Montcalm St. 36  
ft. to the place of beginning. And it is further Ordered & directed that  
the said Leander Babcock may give to the purchaser or said sale or credit  
not exceeding three years for not more than three fourths of the purchase  
money of such real Estate purchased by him to be secured by a Bond  
of the said purchaser & by a mortgage upon the said premises to him  
sold at the said sale. And it is further Ordered that the said Leander  
Babcock do make return according to law of all sales made by him by  
virtue of this Order

LS

In testimony whereof the Surrogate of the County of Oswego  
has hereunto affixed his Seal of Office.  
Witness Amos G. Hull Surrogate of the County of Oswego this