

Transcribed by:  
Jerome A. Walrath  
1139 Greenwood Lane  
Waco, TX 76705  
jawswife@aol.com

Herkimer County )  
Surrogates Office )

To all to whom these presents may come or shall concern greetings. Know Ye that I Ashbel Loomis Surrogate of the County of Herkimer pursuant to the power in me vested by the land of this state have this day appointed & do hereby appoint Albert Walrath of the Town of Danube in the County of Herkimer Special Guardian to Charles Walrath Joseph Walrath Jacob Walrath William Walrath Maria Walrath & Betsy Walrath minor heirs of Peter H. Walrath deceased respectively under the age of 21 years for the special purpose of taking care of their interests in the matter of the proving the last will & testament of Peter H. Walrath deceased as a will of personal property the said Albert Walrath having first consented and agreed in writing to be appointed & to act as such Special Guardian. In witness whereof, I have hereunto set my hand & affixed my seal of office this 10<sup>th</sup> day of October in the year of our Lord one thousand eight hundred & thirty one.

A. Loomis , Surrogate

Note: Albert Walrath was a son of John G. Walrath and Elizabeth Lintner according to the Walrath Family Newsletter #11, p.4: "Albert Walrath, son of John G. and Eliz. Lintner: He was probably the one who married Catherine Yule, b 10/2-1791, dau of James and Margaret Christman Yule, and a sister to Elizabeth (Betsey) Yule who married George J. House who came to Cameron, NY ca same time as Walraths and others from Mohawk Valley to Cameron, Jasper, etc." The deceased Peter H. Walrath was not closely related to Albert Walrath. (JAW).

In the matter of proving the last will & testament of Peter H. Walrath deceased as a will of personal property.

Herkimer County )  
Surrogates Court )

Peter P. Murphy of the Town of Stark in the County of Herkimer being duly sworn & examined, doth depose & testify, that he was acquainted with Peter H. Walrath (now deceased) in his life time; that this deponent saw the said Peter H. Walrath subscribe the instrument now shown to the deponent, purporting to be the last will and testament of the said Peter H. Walrath bearing date the second day of August in the year Eighteen hundred and thirty one and that the said Peter H. Walrath at the same time declared the said instrument to be his last will and testament; and that the deponent together with Orpheus Robinson the other subscribing witness to said will, subscribes his name as a witness at the request of the said deceased; and that the said will was executed by the deceased and attested to by the deponent at or about the time the said will bears date; and at the time the same was executed the said deceased was of full lawful age, and of sound mind & memory, and not under restraint, to the best of the deponents knowledge & belief.

Sworn, examined & subscribed, this fourteenth day of November 1831 before me A.  
Loomis Surrogate } Peter P. Murphy

Peter H. Walrath of Stark in the County of Herkimer Yeoman being mindful of my mortality do this second day of August in the year of our Lord one thousand eight hundred and thirty one make and publish this my last will and testament That is to say. Firstly- It is my will that my funeral expenses be paid out of my personal property. Secondly- It is my will that all my other debts be paid out of my prison (?) property. Thirdly- All the residue of my personal estate (after paying my debts and funeral charges I do give & bequeath unto my wife Maria Walrath her executors administrators and assigns to, for her, their own proper use and benefit absolutely. Fourthly I do hereby appoint Adolph Walrath of Danube in the County of Herkimer the sole executor of this my last will and testament.

Peter H. Walrath [ls]

Signed Sealed and published in the presence of us Peter P. Murphy and Orpheus Robinson who hereunto in the presence of the testator and in the presence of each other set our respective names as subscribing witnesses }  
Peter P. Murphy Stark Herkimer Co.  
Orpheus Robinson of Stark Herk. Co.

State of New York )  
Herkimer County )

Surrogates Office ) *js* Be it remembered that on this 14<sup>th</sup> day of November 1831 the above last will & testament of Peter H. Walrath deceased was duly admitted to probate as a will of personal property and probate thereof was thereupon granted upon and by the oath and evidence of Peter P. Murphy, one of the subscribing witnesses thereto and upon such proof taken it appears that the same was duly executed by said deceased that the testator was at the time of executing the same in all respects competent to divide personal property and not under restraint, which will proof and examination taken has been recorded in the proper book for that purpose provided in the Surrogates Office.

In testimony whereof I have herunto set my hand and affixed my seal of office this 14<sup>th</sup> day of November 1831.

A. Loomis, Surrogate

Herkimer County )  
Surrogates Office )

I certify the foregoing to be the Record of the original will & the proofs thereof of Peter H. Walrath deceased, dated November 14<sup>th</sup> 1831.

A. Loomis, Surrogate