

The Will of Catharine Lipe Walradt Horning

As written 13 January 1832 and recorded in Otsego County, NY 3 June 1835, Will Book W, Wills & Administrations, pp. 407 - 416

Transcribed from a photocopy by Donna Burkert Grothaus 22 August 1997.

Page 407

Otsego County: Be it remembered that at a Surrogate Court held for the county of Otsego at the Surrogate's Office in the village of Cooperstown on the First day of May 1835 Present Geo. A Starkweather Surrogate in the matter of the Real Estate of Catharine Horning Deceased.

Comes Steuben Helmer one of the Executors named in the last Will and Testament of Catharine Horning late of the county of Otsego deceased & informs the said Court that notice has been given pursuant to the statute in such case made & provided of his intention of proving the last Will & Testament of the said Catharine Horning deceased, and the said Steuben Helmer brings into Court a notice of his intention to prove said Will signed by him said Steuben Helmer executor as aforesaid with the affidavits of Garret W. Walradt and Andrew Joiner providing the due service of a copy of such notice as from all the heirs & devisees of said Catharine Horning deceased which fact appears by the affidavit of Garret W. Walradt which said notice & affidavit is as follows to wit:

Surrogate Court in the matter of proving the Will of the Real Estate of Catharine deceased:

To Peter W. Walradt, John W. Seeber & Betsey his wife, David Walradt, Gilbert Helmer & Margaret his wife, Andrew Joiner and Eliza his wife and David A. Walradt guardian for Godfrey Walradt (another name not legible) & Lany Catharine Walradt and Garrit W. Walradt heirs at law of the said Catharine Horning deceased. Please to take notice that I the undersigned Executor of the last Will & Testament of the said Catharine Horning late of the Town of Cherry Valley in the

→ Ambrose

Page 408

county of Otsego deceased bearing date the 13th day of January in the year one thousand eight hundred & thirty two intended to apply to the Surrogate of the county of Otsego at the Surrogate Office in the village of Cooperstown on the first day of May next at ten o'clock in the afternoon of that day to have the said last Will & Testament of the said deceased provided before the said court according to the statute in such case made and provided. - Dated 12th Feb 1835.

Steuben Helmer Executor

Otsego County: - Garret W. Walradt being duly sworn deposed & saith that he served a copy of the within notice upon Andrew Joiner & Eliza his wife on the 12th day of February last past upon John W. Seeber & Betsey his wife on the 21st day of March last past, and further this, deponent & with wit. -

Garret W. Walradt

Sworn & subscribed before me this 1st day of May 1835

Geo. A. Starkweather Surrogate

Allegany County: Andrew Joiner of said county being duly sworn deposed & says that on the twenty fourth day of February one thousand eight hundred & thirty five he served on Peter W. Walradt a certain paper of which the within is a copy by placing this same in his hands.

Andrew Joiner

Scribed & sworn this 26th day of February 1835 before me D. L. Gilman a Judge of Allegany County.

Otsego County: Garret W. Walradt being duly sworn doth depose & say that he is a Deviser named in the last Will and Testament of Catharine Horning deceased and also named in the announced notice and that then and now he is a devisor of the said Catharine Horning interested in her real and personal estate besides those named in the announced affidavit and further the deponent with wit.

Garret W. Walradt

Sworn before me this 1st day of May 1835. Geo. A. Starkweather Surrogate

Page 409

Whereupon the said Court being satisfied with the proof made in the premises that due notice has been given according to law of his intention to the said Will of the said deceased proved according to the sate in such cases made and provided. It is therefor under & on reading the above affidavits by the said Court that said Steuben Helmer have come to proceed to prove the said Will of the said deceased. And it being made satisfactorily do appear to the said Surrogate that the attendance of the witnesses to the said Will could not be obtained. It is order that the further hearing of this matter be adjourned until the third day of June next at ten o'clock in the forenoon.

And now at this day, that is to say on the third day of June in the year of our Lord one thousand eight hundred & thirty five the said Will of the said deceased being produced & shown to the said Court in the matter of proving the last Will and Testament of Catharine Horning deceased.

Otsego County: - Be it remembered that on this third day of June in the year one thousand eight hundred & thirty five before Geo. A. Starkweather Surrogate of this county of Otsego personally appeared William Wormuth who being by the said Surrogate duly sworn examined doth depose and say that this deponent was well acquainted with Catharine Horning deceased that he was present as a witness and heard the said Catharine Horning deceased acknowledge that she executed the instrument now produced & shown to this deponent purporting to be the last Will & Testament of the said Catherine Horning deceased bearing date the thirteenth day of January in the year one thousand and eight hundred & thirty two, that such acknowledgement was made by this said Testator in the presence of this deponent & that the said Testator at this same time declared the instrument so subscribed by her to be her last Will & Testament wherefore this deponent

Page 410

signed his name at the end thereof at the request of the said Testator; that said Testator at the time of executing & publishing the said last Will & Testament was full age of sound mind & memory and not under any restraint.

William Wormuth

Sworn & subscribed before me this 3rd day of June 1835]
Geo. A. Starkweather Surrogate

In the matter of proving the last Will & Testament of
Catharine Horning deceased

Otsego County: Be it remembered that on this third day of June in the year one thousand eight hundred & thirty five before Geo. A. Starkweather Surrogate for the county of Otsego personally appeared Livingston D. Walradt who being by the said Surrogate duly sworn and examined doth depose & say that this deponent was well acquainted with Catharine Horning deceased that he was present as a witness and did see the said Catharine Horning deceased subscribe at the end then of the Instrument now produced as shown to the deponent purporting to be the last Will and Testament of the said Catharine Horning deceased bearing date the thirteenth day of January in the year one thousand eight hundred & thirty two; that such subscription was made by the said Testator in the presence of this deponent; that the said Testator at the same time declared the Instrument so subscribed by her to be her last Will & Testament; whereupon this deponent signed his name at the end thereof at this request of the said Testator that said Testator at the time of executing and publishing the said last Will & Testament was of full age of sound mind & memory & not under restraint.

Livingston D. Walradt

Geo. A. Starkweather Surrogate

In the Matter of proving the last Will and Testament of
Catharine Horning deceased

Otsego County - Be it remembered that on the third day of June in the
year

one thousand eight hundred & thirty five before Geo A. Starkweather Surrogate of the county of Otsego personally appeared John H. Dunlap who being by the said Surrogate sworn & examined doth depose & say that this deponent was well acquainted with Catharine Horning deceased that he was present as a witness & did see the said Catharine Horning deceased subscribe at the end thereof the Instrument now produced & shown to this deponent purporting to the last Will & Testament of the said Catharine Horning deceased having date the thirteenth day of January in the year one thousand eight hundred and thirty two; that said Testator at the same time declared this instrument so subscribed by her to be her last Will & Testament; whereupon this deponent signed his name at the end thereof at the request of the said Testator; that said Testator at the time of executing & publishing the said last Will & Testament was of full age of sound mind & memory & not under restraint.

John H. Dunlap

Sworn & subscribed before me this 3rd day of June 1832

Geo. A. Starkweather Surrogate

And thereupon it appearing to the said Court that the said Will of the said deceased was duly executed according to law and that the said Testator who executed the same was at the time of making such execution of sound mind & memory of full age & not under restraint. It is therefore ordered by the said Court on due deliberation that the said will together with the proof thereof be executed which said proof is herein ? recorded & contained and the said Will so ordain to be is ordered is as follows to wit:

In the name of God, amen. I Catharine Horning of the Town of Cherry Valley in the county of Otsego & state of New York, considering the immortality of this mortal life and being of sound mind & memory believing in almighty God for the same do make & publish this my last Will and

Testament in the manner & form following that is to say:

First - I give devise & bequeath unto my son Garret Walrad that certain farm lying partly in the Town of Cherry Valley & partly in the Town of Canajoharie it being the same that was willed to me by my deceased husband Richard Horning to have & to hold the same to the said Garret Walrad my son his heirs & assigns forever. -

Item. I give devise bequeath unto my daughter Betsey Seeber all my clothing bed & bedding and also one hundred and fifty Dollars which, I order to be paid in manner following. Viz. - one year after my decease ten dollars and the like ten dollars per year until my said daughter Betsey has received the said sum of one hundred and fifty Dollars.

Lastly, as to all the rest residue & remainder of my personal estate goods and chattels of what kind & nature now I give & bequeath the same to my son Garret Walrad and hereby appoint Jacob Seeber, Steuben Helmer Executors of this my last Will & Testament hereby revoking all former Will by me made. In witness whereof I have hereunto set my hand & seal at this thirteenth day of January in the year of our Lord one thousand eight hundred & thirty two.

Catharine Horning L.S.
her mark

Signed sealed published & declared by the within named Catharine Horning to be her last Will & Testament in the presence of us who have hereunto subscribed our names as witnesses in the presence of the Testator & of each other.

John H. Dunlap of the Town of Canajoharie and County of Montgomery

William Wormuth of Char? (not legible) County of Otsego

Livingston D. Walradt of the Town of Cherry Valley and County of Otsego

State of New York

Otsego County

I certify that the within Will was duly admitted to Probate on the Third day of June 1855 the within written Instrument was duly proven

Page 413

According to law as & for the last Will & Testament of the Real Estate of Catharine Horning deceased in the Surrogate Court of the County of Otsego

Witness my hand & seal of
Office the day & year afor said
Geo. A. Starkweather Surrogate

L. S.

Otsego County
Surrogate Office

I certify that the forgoing is a true record of the proceedings held before me in the matter of proving the last Will & Testament of the personal Estate of Catharine Horning deceased.

Geo. A. Starkweather Surrogate

Otsego County
Surrogate's Office:

I certify the forgoing to be a true record of the proceedings had before me in the matter of proving the last Will & Testament of the real estate of Catharine Horning deceased.

Geo. A. Starkweather
Surrogate

Note:

Continuing on Page 413, it appears the preceding record is repeated with the depositions of John H. Dunlap, Garret W. Walradt taken on the third day of June 1835 and the repetition of the Will as previously transcribed. The proceedings continue with Page 416 being the final page of the record. A photocopy of the entire record is in the possession of Donna Grothaus.