

Transcribed by:  
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**John G. Walrath\***

General Index to Wills and Proceedings  
Wills: Book 5 age 196  
Probated- no date inserted in the index  
Date of death: June 9, 1833

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Document #1 handwritten

To the Surrogate of the County of Montgomery:

The petition of Peter A. Nellis (interlined:one of the) Executors of the last will and testament of John G. Walrath deceased late of the town of Palatine in said County of Montgomery Respectively Sheweth: That John G. Walrath late of the town of Palatine in said County deceased died on or about the ninth day of June instant a natural death at Palatine in said County leaving a last will and testament that he the said deceased did therein and thereby appoint your petitioner together with Gerrit Nellis executors of this said last will and testament. That the said deceased died leaving his two sons Alfred Walrath and Alonzo Lipe (the L could be interpreted as an S) Walrath and Mary Catharine his daughter his only heirs at law and who are infants under the age of twenty one years.

By means whereof as your petitioner has been informed and truly believes the Surrogate of said County has sole and executive power to take the proof of the said last will and testament of the said deceased. That your petitioner being desierous that the said will and testatment should be admitted to proof and letters testamentary thereon be granted to your petitioner; therefore pray a citation issuing the said next of kin personally to be and appear when and where the Honorable Court may direct to oppose or support as they may see fit the probate of the said last will and testament and your petitioner will ever pray be.

Peter A. Nellis

Montgomery County Surrogate Court } I, Peter A. Nellis begin duly sworn says \_\_\_\_ the matters set forth in the foregoing petition by \_\_\_\_\_ to the best of his knowledge, information and belief.

Sworn to before me June 25th 1833  
Surrogate

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Document #2 handwritten

In the matter of proving the last will and testament of John G. Walrath deceased } To the Surrogate of the County of Montgomery

The petition of Peter A. Nellis of the town of Palatine in said County Respectively sheweth that John G. Walrath late of the town of Palatine in said County deceased died a natural death on or about the ninth day of June in the town of Palatine aforesaid leaving a last will and testament. That the said deceased left Alfred Walrath Alonzo Lipe Walrath and Mary Catherine Walrath his children and only heirs at law who are infants under the age of twenty one years. And as your petitioner is desierous of having the said last will and testament proved as a will of real estate prays that a guardian or guardians be appointed by this Honorable Court to take charge of the interest of the said minors in the estate of the said deceased.

Peter A. Nellis

Montgomery County Surrogate Court } Peter A. Nellis being duly sworn says that the facts set forth in the forgoing petition by him subscribed \_\_\_\_\_ to the best of his knowledge information and belief.  
Sworn to before me June 25th 1833 } Tobias A. Stoutenburgh Surrogate

I Charles Walrath hereby consent to act as Special Guardian to the minors named in the above petition

June 25, 1833

Charles Walrath

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Document #3

Montgomery County, Surrogate's Court } ss.

In the matter of proving the will of the real estate of  
**John G. Walrath** Late of the county of Montgomery deceased }

**Charles Walrath** of the town of **Palatine** in the county of **Montgomery** being duly sworn, depose and saith that he saw **the said John G. Walrath** deceased, subscribe the instrument now shown to **him** this deponent, and which purports to be the last will and testament of the said **John G. Walrath** deceased, bearing date the **fourth** day of **May** in the year of our Lord one thousand eight hundred and **thirty three** that he heard the said **John G. Walrath** declare the same to be **his** last will and testament, and that he this deponent did subscribe **his** name as a witness thereto, at the request of the said **John G. Walrath**. ; and further that at the time thereof the said **John G. Walrath** was of sound mind and memory, of full age and not under any restraint.

**Charles Walrath**

Subscribed and sworn before me  
**July 15<sup>th</sup> 183 3**

**Tobias A. Stoutenburgh**, Surrogate

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Document #4 handwritten - listing of property not included here but is available in the Surrogate Court archives

A True & perfect inventory of all & singular the goods, chattels & credits of John G. Walrath deceased made by Peter A. Nellis & Garret Nellis, Executors of the last will & testament of the said deceased, with the aid of John C. Lipe & Peter J. Waggoner appraiser appointed by the Surrogate of Montgomery County, duly qualified, & after service of notice as the law directs on the legatees & next of kin to the said deceased on the twenty eighth day of August 1833.

Peter A. Nellis } Executors ---

I, John C. Lipe & Peter J. Waggoner do swear that I will truly & honestly & impartially appraise the personal property of John G. Walrath deceased, which shall be exhibited to me according to the best of my knowledge & ability.

John C. Lipe  
Peter J. Waggoner

Signed & sworn the 17th day of August 1833 before me  
----- J.P.  
Justice of the Peace ---

Inventory of property bequesthed & otherwise excerpt(?):  
listing of property

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Document #5

TO Charles Walrath Special Guardian of Alfred Walrath Alonso Lipe Walrath and Mary Catherine Walrath heirs of John G. Walrath late of the town of Palatine in the county of Montgomery and State of New York, deceased, and all others whom this notice may concern.

YOU and each of you, are hereby required to take notice that *I* shall apply to TOBIAS A. STOUTENBURGH, Surrogate of the county of Montgomery, at his office in the village of Johnstown, in said county, on the *fifteenth* day of *July* next, at ten o'clock in the forenoon, to have the last Will and Testament of the said *John G. Walrath* deceased, proved and recorded pursuant to chapter sixth, title first, article first, part second of the Revised Statutes of the State of New York.  
Dated **June 26th** 183 **3**.

**Peter A. Nellis**

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\*Note: Based on my research the aforementioned Charles Walrath b. Oct. 30, 1798 was the brother of John G. Walrath b. 1796 md. Catherine Lipe Jan 19, 1824. Charles Walrath md. 1st Elizabeth Lipe, daughter of David & Elizabeth Lipe; 2nd Magdalena Nellis Lipe who was the widow of John Frederick Lipe. Elizabeth Lipe Walrath and John Frederick Lipe were brother and sister. Charles had at least three children with Elizabeth Lipe...one named Garret Lipe Walrath Magdalena had at least two children with her first husband John Frederick. Many of this family migrated from Minden, Montgomery County to Oneida in Madison County. Charles and Magdalena are found in Minden in 1855 Census and living there 2 years. Charles may have been the Charles A. Walrath who died in the Utica Asylum, Oneida County, NY in 1888. Both are buried in Fort Plain cemetery. Charles and John G. were sons of John Garret Walrath b. ca 1767 based on his age, 39, when he died in July 8, 1806 and Catharina Dygert md. June 14, 1795. (Jerome A. Walrath)