

George York County Judge

Be it remembered that on the <sup>28<sup>th</sup> day of October April 1866  
James N. Walrath an Executor named in the last will &  
testament of Adam Walrath late of the town of Johnsville  
in the County of Montgomery deceased appeared in open  
Court before the County Judge of said County as Surrogate  
Made application to have the said last will & testament  
of Adam Walrath proved. Upon such application said  
County Judge did ascertain who were the proper parties  
to the same & did thereupon give a citation in due form  
of law directed to the proper parties requiring them  
to appear in this Court on the 29<sup>th</sup> day of September 1866  
and attend the probate of said will. On said 29<sup>th</sup>  
day of October 1866 satisfactory evidence by affidavit  
was produced & presented to said County Judge after  
due service of said citation in the mode prescribed  
by law & on that day no one appeared to oppose</sup>

the probate of such a will. Such proceedings were had  
that the County Judge took the proofs of said will  
hereinafter set forth upon the said 29<sup>th</sup> day of September  
1866 & he adjudged the said will to be a valid will of  
real & personal Estate, which said will & proofs are  
as follows that is to say. Will of

Adam Walrath.

Know all men by these presents that I Adam Walrath  
of the town of St Johnsville in the County of Montgomery  
Considering the uncertainty of this mortal life and being  
of sound mind memory & understanding do make & publish  
this my last will and testament in manner and form following  
First I desire my mortal remains to be decently buried  
and all my honest debts paid out of my real and personal  
estate, Secondly I devise to my two sons named Andrew  
and Martin all my real estate in the town of St Johnsville  
aforesaid in the following manner to Martin I devise timely  
five acres of land to be taken from the north end of the  
homestead farm so as to take in the lot he at present lives  
on & also one half of the same mill & privilege on the same farm  
and to my son Andrew all the rest and residue of my said  
lands in said town & the other half of the same mill & privilege  
and to their heirs and assigns forever, Thirdly I give and  
bequeath to my son Christian one hundred dollars out

of my real & personal Estate, to be paid as follows five hundred  
dollars down and four hundred dollars in three years after  
my decease. Monthly. I give & bequeath to my ~~old~~<sup>youngest</sup> son  
James W. six hundred dollars to be paid as follows, three  
hundred dollars down, and three hundred in two years after  
my decease out of my real or personal Estate. 5<sup>th</sup> I give  
and bequeath to two daughters named Margaret and  
Nancy as follows. to Margaret fifty dollars & to Nancy  
one hundred dollars to be paid within three years after  
my decease out of my real & personal Estate. 6<sup>th</sup> I hereby  
devise to my son John A. Walrath all my lands in the  
town of Clayton in the County of Jefferson on Condition  
following, if the said John A. shall pay or cause to be  
paid Margaret Hill my daughter or her heirs Executors  
Administrators or assigns the amount of money borrowed  
of her by said John A with the interest thereon to him  
his heirs forever, but if not then I order the said Margaret  
or her heirs Executors &c to sell so much of said land as  
shall be necessary to satisfy said demand and the residue  
of said lands I hereby hereby devise as aforesaid to  
said John A & his heirs forever. 7<sup>th</sup> I hereby give &  
bequeath unto my two sons named Daniel and Charles  
as follows to Daniel twenty five dollars & to Charles  
five dollars to be paid within four years after my  
decease out of my real & personal Estate. 8<sup>th</sup> I give

and bequeath to my grand children Matilda Walrath and Adam Van Driezen as follows to Matilda one hundred dollars and to Adam twenty five dollars to be paid within two years after my decease out of my real and personal estate

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I hereby direct that my two sons named Andrew & Martin pay all my debts & legacies by this will & testament made in the same ratio as they receive my land by this will 18thly I give & bequeath to my son Andrew all my personal property of every name & kind whatsoever together with all the rest and residue notwithstanding disposed of by this will and lastly I appoint my trusty friend James Wilson & my son Martin Walrath both of Stephenville Executors of this my last will & testament hereby revoking all other wills by me heretofore made in witness whereof I have hereunto set my hand & seal the 12th day of June in the year 1849

Adam J. Walrath

Signed Sealed published and declared by the above named testator to be his last will & testament in the presence of us who have hereunder signed our names as witnesses in the presence of the testator Jacob L. Flauder Stephenville John H. Flauder do.

State of New York Montgomery County Probate Court  
In the matter of proving the will of Adam J. Walrath deceased,  
Montgomery County S. Jacob L. Flauder & John H. Flauder both  
of the town of Stephenville in the County of Montgomery being  
duly sworn & examined in open Court before George Post County

judge of said County as Surrogate do depose and say and  
Each for himself deposeth and saith that he was acquainted  
with Adam J Walrath in his life time & was present & saw  
the said Adam Walrath at Leesville his name at the end of the  
instrument in writing now produced & shown bearing date  
the 12<sup>th</sup> day of June 1849 that the said Adam J Walrath at the  
time he so subscribed it declared the said instrument to be  
his last will & testament & requested these deponents to sub-  
scribe their names thereto as witnesses to the execution thereof  
Whereupon these deponents subscribed their names at the  
end of said instrument in the presence of the said  
Adam J Walrath & of each other, that the said Adam  
J Walrath at the time he so executed the said in-  
strument was a citizen of the United States an inhabitant  
of the County of Montgomery of full age sound & disposing  
mind & memory and in all respects competent to devise  
real estate & not under any restraint or in any respects  
incompetent to devise real estate. Jacob C. Hauder  
Subscribing & sworn to the 29<sup>th</sup> day of September 1866  
James Wilson being duly sworn in Open Court deposes & says  
I reside in the town of St Johnsboro am aged 57 years  
I knew Adam J Walrath in his life time I drew the instrument  
in writing now produced bearing date June 12<sup>th</sup> 1849 pur-  
porting to be the last will & testament of said Adam  
J Walrath at the request of the said Adam J Walrath

I was present when the said instrument was executed by the  
said Adam L. Walrath & that Jacob C. Flanders and John H.  
Flanders the witnesses thereto was present at the time he  
signed the instrument he Adam L. Walrath said it was  
his last will & testament & asked the said Jacob C. Flanders  
John H. Flanders to witness the will. He put his finger  
upon the seal & said it was his last will & testament the  
witnesses then signed their names to the will Adam L. Walrath  
then requested me to keep the will. The witness to the will  
were standing by the table when the said Adam L. Walrath  
signed it & were looking and I stated to them it was necessary  
that they should see him write his name, they subscribed  
as witnesses in his presence & in the presence of each other  
the attesting clause below the signature of the testator was  
read over to the witnesses by me at that time Adam L. Walrath  
is now dead I think he died in the year 1854 then an inhabit-  
ant of the County of Montgomery he was a citizen of the  
United States of full age & sound mind & not under restraint  
at the time he executed the will or any way incompetent to  
dispose real estate. That said will remained in my custody from  
the time of its execution until produced before the Surrogate for  
probate and that whilst said instrument remained in my  
possession it was not altered or changed in any respect  
after the will was written it passed over to me to the best

probate and that whilst said instrument remained in my possession it was not altered or changed in any respect after the will was written it was read over by me to the testator before its execution & understood by him. James Wilson.

Taken Subscribed & sworn to before me Sept 29 1866 George York County Judge  
George York County Judge of the County of York as Surrogate  
do certify that the foregoing are true copies of the will probated  
& proved true of Adam & Walrath deceased

Registered September 29<sup>th</sup> 1866.

George York County Judge L