

To Samuel Belding Esq County
Judge of the County of Montgomery
rogate

The petition of Josiah Wolf and John
Kessler of Minden County aforesaid respect-
fully sheweth that your petitioners are the
Executors named in the last will and testam-
ent of Elizabeth Walrath late of said town

That said Elizabeth Walrath died on or
about the 13th day of November A.D. 1858
having duly made and executed her last
will and testament as your petitioners are
informed and verily believe that said last
will and testament relates to both real and
personal estate. That said deceased was
as or immediately previous to her death
an inhabitant of the County of Montgom-
ery. That said deceased left her surviving
John G. Walrath of the town of Minden her
husband and the following named persons
her children being her only heirs and next
of kin John Walrath Lucy wife of Abra-
ham Miller Betsey wife of John Kessler
all of the town of Minden Montgomery County
Abraham Walrath Geney Walrath and Har-
cy wife of Joseph Robinson all of Jasper Ken-
den County Albert Walrath and Catharine wife
of Abraham Wagner of Danube Herkimer
County & Peter S. Walrath of Manlius Ononda-
ga all of the State of New York all of full age

That your petitioners are informed that the
said County Judge has full power to issue
citations and take probate of said will. There-
fore your petitioners pray that said will

be admitted to probate, and that follows as
concomitant issue on the probate thereof.
And your petitioners will ever pray,
Datat the day of December, A.D. 1858,
Josiah Roof
John Keebler

Montgomery County ss. Josiah Roof and John
Keebler being duly sworn doth depose &
say each for himself, that he has heard
read the foregoing petition subscribed by him
and knows the contents thereof, and that
the same is true &
sworn & subscribed before
me the day of Dec. 1858
L. Bowling J. County Clerk

In the Matter of the estate
of Elizabeth Walth
deceased
Petition for probate
Filed Dec. 8-1858

The People of the State of New-York, To John G Walrath, John
 Walrath, Lany wife of Abraham Miller, Betsey wife of
 John Kepler, of Minden, Montgomery County, Abraham
 Walrath, George Walrath & Nancy wife of Joseph Rob-
 -inson of ^{Cameron} Steuben County, Albert Walrath & Cath-
 erine ~~the~~ wife of Abraham Wagner of Sammie Herkimer
 County & Peter J Walrath of Mendon, Monday County
 all of the State of New-York being the heirs & next of kin of Elizabeth
 Walrath late of Minden deceased

YOU and each of you are hereby cited and required personally to be and appear before our County Judge
 of our County of Montgomery, as Surrogate, at ^{kept by J. R. Synms near} the ~~village~~ ^{place} of Fort Plain
 in said County, on the 6th day of January next at 10 o'clock in the fore noon

of that day, then and there to attend the probate of the last will &
testament of said Elizabeth Walrath deceased
upon the application of Josiah Roof & John
Kepler Executors named in said will, which
will relate to both real & personal estate

Whereof, We have caused the seal of our Surrogate's Court of said County to be hereun-
 to affixed. Witness SAMUEL BELDING, Jr., County Judge of our County of Montgomery, at the village of
 Amsterdam, in said County, the 8th day of December in the year of our Lord
 one thousand eight hundred and fifty-seven

S. Belding Jr
 Mont County Judge

I admit due service of the
Within citation

Abraham S Halvath

Nancy Robinson

George Halvath

Stetson County Sd

John J Zimmerman
of Jasper in said ^{county} ~~said~~ ^{county} ~~territory~~ ^{territory} duly sworn
says that on the 17th day of Dec.
1857, he served a copy of the within
notice on the above named persons
and that he saw them sign
their names as above respectively
signed.

John J Zimmerman

{ Sworn & Subscribed }
{ this 17th day of Dec }
{ 1857 before me }

Geo J Plato
Justice of the peace

I admit due service of the
within citation. —

~~John~~ Catharine Wagner — Dec 14/57

Peter J. Walrath Dec 19/57

Larry Miller — Dec 28/57

John Walrath — Dec 28/57

Montgomery County so: — Peter Keesler of Linden in
said county being duly sworn says that
Catharine Wagner wife of Abram Wagner, Larry Miller wife
of Abram Miller, Peter J. Walrath & John Walrath
respectively signed their names to the foregoing admis-
sion of due service of within citation in his presence,
~~at~~ the dates respectively set opposite their names, —
And deponent further says that on the 14th day of
December 1857 at Danube in the River County he
sent personally on Albert Walrath a true copy of
within citation by delivery the same to him in
person, and at the same time showing him this
original
sworn before me this 11th day of Jan 7 1858 Peter Keesler
J. Wendell Justice of the Peace